

# Police chief's raise divides Kensington board

By Rick Radin  
Correspondent

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KENSINGTON -- A hefty pay raise given to the police chief of this unincorporated community of just over 5,000 residents is the latest issue to divide its elected board.

The board, which members say is split 3-2 on almost every issue it faces, recently lifted police Chief Greg Harman's annual salary from \$134,000 to \$148,000 beginning July 1, drawing a backlash from opponents that is expected to be revived at Thursday's meeting.

Harman also received a one-time merit increase and cost-of-living adjustment of \$16,754, according to Charles Toombs, president of the Kensington Police Protection and Community Services District and part of the three-member majority.

Harman said he had not had a pay increase since 2008.

Harman, who has been police chief for five years and serves as the district's general manager, was also given a two-year contract extension.

Toombs and fellow board members Tony Lloyd and Linda Lipscomb voted for the raise and cost-of-living adjustment. Mari Metcalf and Cathie Kosel voted no, and have since been vocal in their opposition.

Metcalf said Toombs appointed Lloyd and Lipscomb as a subcommittee to make a recommendation about Harman's pay, but that she and Kosel were not able to see the report until the July 12 board meeting when the raise came up for a vote.

"They were set on giving him an increase, and it was not up for discussion and not up for debate," Metcalf said.

Metcalf said she and Kosel urged Toombs to table the motion for a month, but the board majority went ahead with the vote after listening to public comment about the raise until about 10:30 p.m., a half-hour after the meeting was supposed to end.

Metcalf said Toombs needed four votes of the board to extend the meeting, according to its policies and procedures manual, and he got only three.

"There was a definite majority of people at that meeting that wanted that vote delayed," Metcalf said. "The vote that we took was completely invalid because it was past the time allowed."

Toombs said adequate time was allowed for board members and the public to have their say at the meeting before the vote was taken. He also said Lloyd and Lipscomb did a thorough job of researching comparable salaries for other Bay Area police chiefs, and Harman's raise places him about in the middle of the range.

Toombs said the raise was also based on the chief's performance evaluation and that Kosel and Metcalf were allowed input along with other board members.

"The total (pay) package we gave him was reasonable, based on comparable salaries," Toombs said. "The board majority feels he does a great job, and we're concerned about losing him (to a better offer)."

Metcalf disputed the idea that comparing Kensington to other police departments for salary purposes has any merit.

"This is a community where there aren't many violent crimes," she said. "You look at the police blotter, and you see calls for a raccoon in the backyard or a person who looks unfamiliar walking down the street."

Disputes have boiled over beyond the board meetings themselves.

Kosel, who served as mayor of El Cerrito for two terms before returning to Kensington, where she grew up, said the conflict over the chief's pay is the latest issue in a long-running battle she's had with the board majority and the police.

Kosel alleges that two police officers filed a false complaint of indecent exposure against her that has since been dropped.

Harman denied that there were any allegations of indecent exposure, but there was an investigation into a possible allegation of sexual harassment.

Toombs would only say that Kosel refused to participate in the investigation.

"I told them if you want to have an investigation, you give me the charges in writing and I and my attorney will respond in writing," Kosel said.

Kosel also alleges that Harman improperly used a district credit card to pay for airplane tickets for his wife.

Toombs said the department did an internal investigation of the credit card claims and cleared Harman of any wrongdoing.

"I appreciate the support I have gotten from the board and the community," Harman said, in response to the controversy. "I enjoy working here and want to continue working here."

An email campaign has been launched to inform residents about the pay package, which is expected to revive the debate over the chief's pay package at the next meeting, Thursday at 7 p.m. at the Community Center, 59 Arlington Ave.

If you go

The Kensington Police Protection and Community Services District will meet at 7 p.m. Thursday at the Kensington Community Center, 59 Arlington Ave.

# Contra Costa regulators disband elected Mt. Diablo Health Care District board

[By Lisa Vorderbrueggen](#)

[Contra Costa Times](#)

Posted: 08/09/2012 07:37:37 AM PDT

Updated: 08/09/2012 07:37:47 AM PDT

MARTINEZ -- Four civil grand juries, a dozen high-voltage editorials and one stinging consultant's report later, Contra Costa regulators pulled the plug Wednesday on the central county's hospital-less public health care district.

The Local Agency Formation Commission unanimously disbanded the Mt. Diablo Health Care District's five-member elected board, shrank its borders and assigned its funds to Concord.

The Concord City Council will take on the task of spending the roughly \$200,000 a year in property taxes generated in a smaller public health care district, which will consist of Concord and Pleasant Hill. The district no longer includes Martinez and slivers of Lafayette, Clayton and Walnut Creek.

In addition, Concord and Pleasant Hill will share the district's five seats -- three and two, respectively -- on the John Muir Community Health Foundation board. The formation of the nonprofit organization was mandated as part of a 1996 voter-approved transfer of the district's financially ailing Concord hospital to John Muir Health, which provides the foundation \$1 million a year for health services grants.

The commission's vote comes on the brink of Friday's candidate filing deadline for four health care district seats and eliminates the need for an expensive election to a board that regulators had vowed to dissolve one way or the other.

For the district's vocal critics, the move comes none too soon.

"We got involved in this issue because we believed the good work of three, and now four, civil grand juries was being ignored," said Contra Costa Taxpayers Association Executive Director Kris Hunt, whose organization filed the official dissolution request with the Formation Commission.

But it was the commission's hired consultant who sealed the district's fate when he reported that the district had spent the vast majority of its money since 2000 on elections, legal bills, lifetime health care benefits and overhead costs rather than direct health services.

A Bay Area News Group investigation also revealed that the district had provided a \$50,000 grant of taxpayer money to a ex-felon for the operation of a homeless services program with questionable results.

The district's elected board tried to turn things around in the past six months.

They hired a professional executive director who helped the district launch its first competitive community grant program. It awarded a total of \$180,000 last month to programs such as the food bank, healthy eating and mobile medical clinic for the poor.

But its efforts proved insufficient in the face of the lengthy and weighty case against the district.

Residents voiced particular anger at the free lifetime medical and dental insurance benefits provided to health district elected board member Grace Ellis, and Ron Leone, a former director and the mayor of Concord.

Both recently cashed out their benefit and released their claims for future coverage.

Ellis received \$58,000.

Leone negotiated a \$150,000 charitable deferred annuity through the American Cancer Society. If Leone or his wife should find themselves without insurance, they may tap into the money. All unused proceeds will to go to the cancer society.

Contact Lisa Vorderbrueggen at 925-945-4773 or @lvorderbrueggen.

## **Contra Costa Times editorial: District voters should reject false choice offered in fire tax**

*Contra Costa Times editorial © Copyright 2012, Bay Area News Group Contra Costa Times  
Posted:*

Friday, August 10, 2012  
ContraCostaTimes.com

Residents of the Contra Costa Fire Protection District are being offered a false choice: Approve a \$75-a-year parcel tax on the Nov. 6 ballot or face the shutdown of nearly one-third of the district's stations.

It's political blackmail. And it ignores potential savings that could have, and still could be, attained if fire district officials make meaningful pension changes and seriously examine ways to restructure, especially when it comes to providing emergency medical services.

The tax measure affects property owners in much of Central County as well as Antioch, Pittsburg and San Pablo. It has been under discussion for at least two years.

The Contra Costa Board of Supervisors, which runs the district, should have made every effort to find savings before going to voters. It didn't.

There has been no serious discussion of options. Should firefighters continue delivering emergency medical services? If so, should they continue to receive extra pay for that, or should it be part of their basic salary? Should at least some of the county's 10 financially strapped fire districts be merged to save on administrative costs?

Should fire inspectors continue to receive pensions at rates that were intended for people who put their lives on the lines? Should current employees be asked to agree to reduce pension accruals for their future working years? Should newly hired employees continue to be promised the same sort of pensions that are helping drive this current financial crisis?

There has been no serious evaluation of alternatives. Instead, voters are told to either pay more or watch homes burn.

They're told the district plans to implement serious pension reform for new hires. In fact, the new pension formulas under discussion are just slightly less generous than the current ones and far more costly than the ones in effect a decade ago.

To be sure, the district's finances are teetering on a cliff. Even if voters approve the new tax, the district's budget projections show expenditures exceeding revenues until fiscal year 2022-23. To balance the books, the district plans to continue depleting reserves that should have gone to pay down the district's pension debt.

But where do those expenditures go? For every dollar spent on salaries (excluding overtime), the district currently spends 88 cents on pension and retiree health care costs. By fiscal year 2017-18, the district will be spending substantially more on retirement costs than salaries.

The board and Chief Daryl Louder have had plenty of time to prepare for this, to negotiate meaningful pension changes and seriously examine new ways to deliver services more cost-effectively. They have done neither.

We recognize that residents might need to pay more. But, especially in these tough economic times, that should be the last line of defense. We hear supervisors saying they will make more changes in the future. That should come first.

As the Contra Costa Grand Jury said, "Simply asking the taxpayers for more money to fund old service models and support burdensome labor agreements is not the answer." That's why we urge voters to reject the parcel tax.

## **Your Turn: Times wrong about Contra Costa fire tax proposal**

By Vince Wells, Contra Costa Times Guest Commentary

Posted: 08/18/2012 09:00:00 AM PDT

Updated: 08/18/2012 05:42:25 PM PDT

As voters consider a tax to fully fund fire and emergency response services in the Contra Costa Fire Protection District, we trust they understand this is about keeping firehouses open.

That it is about ensuring that firefighters and firefighter paramedics are on the job and can get to a burning building or to a sick, injured or life-threatened resident of Lafayette, Walnut Creek, Pleasant Hill, Concord, Clayton, Martinez, El Sobrante, San Pablo, Pittsburg, Antioch, Bay Point, Pacheco or Rossmoor community before it is too late.

It is a shame the Contra Costa Times editorial board and its editorial recommending voters reject this measure failed to grasp that fact.

Essentially, your position boils down to: Hold hostage new funding to save vital public protection, rescue and emergency medical services unless and until something is done about the rising cost of district retirement benefits, despite that changes to retirement benefits have been made and with more efforts still in progress. And, even when they do, they won't fix the current funding problem. Talk about irresponsible.

This district has stretched a declining budget as far as it can go, shrinking our workforce, deferring repairs and reducing salaries and benefits for firefighters.

This parcel tax has a seven-year sunset provision so that the fire district has time to continue working to reduce overhead costs and implement reforms.

In the meantime, it asks homeowners to pay just \$75 annually -- or 21 cents a day. It is a wise investment in personal and community safety.

Before 2010, the district staffed 30 companies to serve more than 600,000 residents. By next year, if this measure fails, it could be down to 18 companies, with just 55 firefighters on duty a day to answer more than 41,000 calls a year over 304 square miles.

The fire district has put forward a fiscally responsible plan vetted through a series of public meetings.

National standards call for one firefighter for every 1,000 residents and for emergency calls to be answered within six minutes. Without this funding, we will have one firefighter for every 3,600 residents -- more than three times the national standard -- and response times could climb to 10 minutes, even 20 minutes in certain scenarios.

While property owners might save a few dollars a week in property taxes, they would risk paying much, much more for homeowners insurance, as insurers jack up premiums covering neighborhoods with substandard fire protection services.

And, of course, there could be even steeper prices to be paid for delayed responses to calls for fire rescue and emergency medical care.

So, by all means, we must find solutions to the strain rising pension costs are putting on budgets, whether they be government, employer or household.

But let's not put Contra Costa County lives, livelihoods and property in danger unnecessarily along the way.

Vince Wells is a fire captain and president of the United Professional Firefighters of Contra Costa County.

## Martinez scales back plan to annex part of the Alhambra Valley

By Lisa P. White Contra Costa Times Contra Costa Times

Posted:

Thursday, August 23, 2012

ContraCostaTimes.com

MARTINEZ -- Sometimes, the numbers just don't add up.

When city leaders in Martinez recently realized they don't have enough existing agreements to avoid a referendum on their plan to annex a large swath of the Alhambra Valley, they scaled back the proposal to include just four subdivisions. The City Council had proposed annexing 139 parcels spread out across nearly 400 acres in the Alhambra Valley, the semirural area south of Martinez.

City staff carefully drew the boundaries of the annexation area to minimize the possibility of a vote by including just enough properties bound by existing agreements to one day become part of Martinez. But they overcounted by four, according to Mayor Rob Schroder.

"Well, we discovered some problems with respect to basically the numbers, I'll just be up front," Schroder said Thursday. "According to the deferred annexation agreements, those folks are not allowed to protest. If we exceed a 25 percent protest level, it goes to a vote. ... We would rather avoid that," Schroder said.

The council agreed Wednesday to ask the Contra Costa Local Agency Formation Commission, or LAFCO, to amend the annexation application. LAFCO commissioners are scheduled to review the city's application on Sept. 12.

On Thursday, city staff didn't know how many parcels, acres or houses remain in the revised annexation area. But the Stonehurst, Alhambra Valley Ranch, Deer Creek and Valley Orchard subdivisions are included, according to Hal Olson, president of the Alhambra Valley Improvement Association.

When Stonehurst and Alhambra Valley Ranch were built in the 1980s, the deeds included a stipulation that the houses would one day become part of Martinez. LAFCO encouraged Martinez to annex the developments because the city provides water service to the luxury homes in these gated communities. City leaders also believe they have deferred annexation agreements for the homes in the nearby Deer Creek and Valley Orchard subdivisions.

Opponents say annexation threatens the valley's bucolic character, and they worry that road maintenance and police service will suffer if the area becomes part of Martinez.

Olson and his wife Marie have led the fight against the valley's annexation for years. But he said they won't challenge the validity of the deferred annexation agreements.

"Whatever opposition mounts is going to have to mount within those areas they're swallowing, so we're sort of out of it," he said.

But Olson still believes Martinez has only a fraction of the agreements city leaders claim to have.

"The point is, how are they going to prove it? They'll have to produce the (agreements); they can't be disenfranchising people who say they haven't signed it and for whom they have nothing on file. So it's very muddy waters."

Cathe Cracknell, who has lived on Valley Orchard Court for about 15 years, is one of those homeowners. Cracknell said she and her husband didn't sign a deferred annexation agreement when they bought their

property nor were they told the seller may have signed one. The couple paid Martinez \$12,000 to connect a water line to the house they built, she said.

"It doesn't seem quite right or fair that our right to vote is being withheld based on an agreement we never signed and never saw," Cracknell said.

Councilman Mark Ross, who grew up in the valley, has always said Martinez should annex the entire valley, rather than do it in a piecemeal fashion. Ross, a real estate broker, said the deferred annexation agreement should have come up during a title search; but since it's such an arcane document, a buyer could easily overlook it.

"In any event, that argument is between the buyer and the seller and the brokers involved," Ross said. "It's not the city's responsibility to make sure everybody was properly briefed when they bought a piece of real estate."

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 Boundaries Change As Residents Protest

By Greta Mart  
Staff Reporter

Sunday August 26, 2012

Local News



Opponents of the city's annexation efforts in Alhambra Valley can put aside their concerns – for now, said the mayor.

Rather than risk lawsuits and a referendum that could wholly defeat the city's attempt to annex 393 acres of Alhambra Valley, Martinez officials agreed this week to pare down its bid to just four existing subdivisions.

As of Friday, city staff were unable to provide the exact acreage or number of parcels to be included in the revised annexation area, but at Wednesday's meeting, Council members confirmed the revised annexation area would include the Alhambra Valley Ranch, Stonehurst, Deer Creek and Valley Orchard subdivisions. In response to a request for a map of the revised area, senior planner Cory Simon said assistant city manager Alan Shear was "the gatekeeper on that."

"I'm not sure [the revised map] is public yet," said Simon. Shear did not respond to requests for information.

At a specially-called City Council meeting Wednesday, members voted in favor of requesting an amendment to Martinez's Alhambra Valley annexation application currently under review by the county's Local Agency Formation Commission, or LAFCO.

LAFCO Executive Director Lou Ann Texeira confirmed that after receiving an email Thursday from Shear apprising her of the decision, she will be revising her staff report to LAFCO.

"I haven't done my [new] recommendation yet. I need more information from the city about its justification for the reduced area, what prompted them to reduce the boundary," said Texeira in a phone interview Friday.

Asked what the official justification would be, Mayor Rob Schroder replied that after LAFCO encouraged the city to pursue annexation of areas serviced with Martinez water, city staff created a map based on a variety of considerations.

"Mainly, we felt it was a good place to start. We thought it would be a good idea to include the Busby property," said Schroder, referring to 30 lots – already greenlit for development by the county – owned by the Busby family, positioned at the intersection of Alhambra Valley and Reliez Valley Roads.

But, "we made some errors, we made some miscalculations," he said, as to the correct number of Deferred Annexation Agreements (DAAs) on file with the city.

Between 2009 and 2011, two former city administrators openly acknowledged the proposed annexation area boundary lines were deliberately drawn to avoid a protest vote, by omitting parcels not covered by a Deferred Annexation Agreement.

Since 1987, the City has required residents purchasing or building homes to "complete annexation prior to receiving water service," according to Teixeira's report to LAFCO dated July 11. "Those properties that are not contiguous must execute a Deferred Annexation Agreement, with annexation to occur at a time determined by the City Council. The City serves an estimated 1,499 accounts that are outside the City's corporate boundaries; the majority of these were established prior to 2001."

Valley property owners were forced to sign the agreements forfeiting their protest rights to any future annexation attempts.

"It was blackmail," said Valley homeowner Steve Cracknell during this week's meeting, describing how he and his wife bought their property, built a house and "went through all the bells and whistles," about 14 years ago.

"The last thing they (Martinez city staff) hand us, they said sign this if you want your water meter," said Cracknell.

"I don't like how they've drawn the boundaries," said Valley resident Billie Fivella at the meeting, adding that she and her husband had signed a DAA, but "we're one of the ones they can't find."

In July, Hal and Marie Olson, founders of the Alhambra Valley Improvement Association and key organizers of opposition to the annexation, asserted that the City did not have the necessary number of the agreements (DAAs) to support the annexation.

"The city has 26 DAAs out of the 83 they are supposed to have," Hal Olson said after the July LAFCO 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.

On Friday, Schroder said the city was missing just four agreements.

The Olsons pointed out this week that more crucial than the missing DAAs is the Valley voter list.

"The city counted the voters who could protest and saw that potentially, if AVIA got every vote that we could, [it would] bring about a general election [and] everyone could vote. We have not seen the amended map, but we understand that 22 of the 25 properties that we are representing will be eliminated from that map. The good news is that the city has shrunk the annexation map," said the Olsons in an emailed comment. "The bad news is that the city is still trying to gain a foothold in the Valley. However, there are people in those subdivisions who are very upset. We will see what happens next."



Email [Greta Mart](mailto:Greta.Mart)

## **East Contra Costa Fire District accepts grant, will reopen stations**

*By Rowena Coetsee Contra Costa Times Contra Costa Times*

*Posted:*

Thursday, August 30, 2012  
ContraCostaTimes.com

OAKLEY -- Directors of the East Contra Costa Fire District formally accepted a \$7.8 million federal grant Wednesday, clearing the way for the agency to reopen stations and staff them with additional firefighters.

The district received word late last week that the Federal Emergency Management Agency had approved its application.

The funds will enable the district not only to restore the 15 firefighting jobs it eliminated last month but add 12 more, doubling the number of those first-responders. East Contra Costa Fire also now can reopen stations in Bethel Island, Knightsen and Brentwood -- half of its six remaining stations -- after the failure of a proposed parcel tax in June forced their closure.

Two other stations were shuttered in summer 2010.

"Approval (of the grant) will save lives," Brentwood resident Gene Clare told the board before its vote.

He noted that firefighters were the first to arrive when he fell from the roof of his two-story home in December 2008 while hanging Christmas lights, sustaining eight broken ribs, a fractured collarbone and collapsed lung.

"I'm alive today thanks to the efforts of firefighters," he said.

Ramping back up will be anything but quick, however.

Reopening the first of the stations -- probably either the one in Knightsen or Brentwood -- will take roughly 60 to 90 days, said Fire Chief Hugh Henderson, adding that the 27 firefighters probably will be phased in nine at a time.

As welcome as the money is, those who have been following the district's struggles are painfully aware that it is a stopgap measure; unless directors can find an ongoing source of additional revenue the district will be back in the same boat when the grant expires in 24 months.

"None of us has a delusion that this is a long-term solution," said Director Steve Barr, adding that the board cannot afford to wait for property values to appreciate.

Some also wonder whether East Contra Costa Fire's budget will enable it to fulfill the terms of the award. The district only can use the funds for personnel and must maintain all 54 positions during the grant period even if the cost of retirement and medical benefits goes up.

Then, too, there are costs associated with reopening and operating the stations such as restocking supplies and hooking utilities back up, and it will run about \$7,500 to recruit, train and equip each new firefighter.

Although Henderson believes the district likely can absorb these expenses, they aren't included in this year's budget.

That preliminary spending plan will be up for review at the fire district's Sept. 10 meeting.

Directors also will discuss a plan they had come up with in June to enlist volunteer firefighters; about five dozen individuals have applied to undergo the training, Henderson said.

Reach Rowena Coetsee at 925-779-7141. Follow her at [Twitter.com/RowenaCoetsee](https://twitter.com/RowenaCoetsee).

## East Contra Costa Fire District gets \$7.8 million grant to rehire firefighters

By Rowena Coetsee and Eve Mitchell Contra Costa Times Contra Costa Times  
Posted:

Saturday, August 25, 2012  
ContraCostaTimes.com

BRENTWOOD -- Just weeks after closing half its stations and laying off firefighters, East Contra Costa Fire District has received a \$7.8 million federal grant that could enable it to restore those cuts.

Chief Hugh Henderson received an email early Friday morning notifying him that the Federal Emergency Management Agency and Department of Homeland Security had awarded his agency the two-year grant.

This was the third time Henderson had applied for the money, which only can be used to hire personnel. The fire district only recently announced that FEMA had denied its second grant application.

The agency was forced to lay off 15 firefighters and shutter three of its six remaining stations July 1 after voters rejected a 10-year parcel tax measure that would have kept it afloat.

With this windfall, Henderson said the fire district will be able to reopen the stations and not only fill the positions it eliminated but add 12 additional firefighters, returning to 2010 staffing levels when it had 54 full-time firefighters.

But while the grant could effectively double the number of firefighters from the current staffing level of 27, there are many strings attached to accepting the money, said Vince Wells, president of Contra Costa County IAFF Local 1230. Also, there is no guarantee that it will result in reopening all of the closed stations, he said.

"It's only funding personnel," Wells stressed.

That means the grant money cannot be used to pay for operational costs such as utilities to reopen closed stations or pay for fuel that goes into fire engines. Another drawback is that grant money can't be used to pay overtime costs and training of new firefighter. Also, the staffing level that results from accepting all or part of the grant money has to be maintained over the two-year period.

Wells said many of the 15 firefighters who were laid off have since found jobs elsewhere.

Still, Wells said the grant is "overall a good thing, but it's not like some money fell out of the sky and it has its challenges."

Henderson predicted that it would take 60 to 90 days before the district can start reopening stations and putting more firefighters back on engines.

And although this reversal of fortune is good news both for those who lost their jobs and the district's approximately 105,000 residents, Henderson emphasized that the underlying funding problems that have hobbled the agency in recent years remain real.

"At the end of two years we're in the same boat that we are today," he said. "This is a short-term fix and we still have a long-term problem."

The fire district board of directors will hold a special meeting Wednesday to accept the grant, a step it must take before FEMA will release the funds. The meeting will be at 6:30 p.m. at 3231 Main St., Oakley.

Provisions and requirements of accepting the grant money will be discussed at the meeting, said Kevin Romick, president of the fire district's board of directors and mayor of Oakley.

He was not surprised to learn the grant came through. FEMA officials suggested that the district apply for the grant again after voters rejected the tax measure in July, he said.

"At the end of the last funding cycle, which ended in July, (FEMA) was asking us to apply," he said. "And it looked like we would qualify this time."

It is unclear what impact accepting the grant money will have on the call for volunteer firefighters that the district made after voters rejected the tax measure.

"That will be part of the discussion we will have," at Wednesday's meeting, Romick said.

On its website, the district announced that the application deadline for applying to be a volunteer firefighter was Friday, the same day that the district got the news about the grant.

"That is a total coincidence," Romick said.

Contact Rowena Coetsee at 925-779-7141. Follow her at [Twitter.com/RowenaCoetsee](https://twitter.com/RowenaCoetsee).

# Annexation Fails By Singular Vote

By Greta Mart  
Staff Reporter

Thursday August 30, 2012

Local News

One vote. The City of Martinez's four-year, \$100,000-plus effort to incorporate a triangular 99-acre area called North Pacheco failed to pass a vote of the people by a single vote. Of the 153 ballots sent out by the Contra Costa Elections Division roughly four weeks ago, only 79 were returned by the 8 p.m. deadline on election day for Measure T.

Of those 79 certified ballots, 39 residents living within the proposed annexation area said yes to becoming Martinez residents, but 40 said no.

"We're still reviewing the [ballot] materials to certify the election," said Lopez on Wednesday morning. By 1 p.m., Contra Costa Clerk/Recorder Steve Weir announced the official results. Weir also explained a glitch that occurred during the ballot counting.

"There was a mistake and one ballot was included in the count that should have been excluded because the signature on the ballot did not match the signature on that voter's registration card," Weir told the Gazette. But the error did not affect the results.

"Even if that vote had brought the results to a tie, the measure still would have failed by one vote because it takes a majority to pass. Fifty percent plus one," said Weir.

Darlene Koch, a North Pacheco resident who was active in the campaign against Measure T, said yesterday afternoon she was "very pleased" with the election result. She added that she hopes everyone can remain good neighbors, even those who wanted to incorporate into Martinez. Lou Ann Texeira, executive director of the Contra Costa Local Agency Formation Commission (LAFCO), said the City's application to annex North Pacheco is now officially dead in the water and the Commission will wrap up the matter at its Sept. 12 scheduled meeting.

"If the annexation fails to receive a majority of the votes cast, then LAFCO shall execute a certificate of termination," said Texeira.

There are 150 registered voters in the North Pacheco precinct 9001. Weir confirmed Wednesday that "we issued 153 ballots because three voters moved within the district during the election timeframe, prompting us to issue three additional ballots and void the first ones."

After LAFCO approved the City's annexation application in January, a group of effected North Pacheco residents – along with a handful of Martinez residents – organized a protest movement. In March, the county's Election Division issued a Certificate of Sufficiency after finding that "valid protests were received from over 25 percent but less than 50 percent of the registered voters in the annexation area," according to Texeira.

Martinez Mayor Rob Schroder is a member of LAFCO, and as a Commissioner voted to approve the City's annexation application. He then actively campaigned in support of Measure T, authoring a letter to voting North Pacheco residents urging them to vote yes to the annexation.

"I do not intend to contest the results," said Schroder in an emailed comment yesterday. "With only 79 ballots filed, an error in the count is very unlikely. I have complete faith in the office of the County Clerk/Recorder/Elections office."

He added, "in my 16 years in elected office I have never seen an election so close. However, except in taxation issues, the simple majority rules."

Schroder's campaigning raised some eyebrows over perceived conflict of interest issues, but the California Fair Political Practices Commission said it was perfectly legal as long as Schroder didn't have any economic interests impacted by the annexation.

"I was appalled that a member of our police department and the mayor of our city would openly campaign for the annexation of a portion of Pacheco using misinformation and manipulated data," commented Martinez resident James Nichols in a letter to the Gazette's editor, referring to a page in a pro-Measure T packet distributed by Schroder and other Measure T supporters to North Pacheco voters that lists average police response times different from those published by the sheriff's office.

In their ballot argument in favor of Measure T, Schroder, Chamber of Commerce chairperson Marie Knutson, Dodd and North Pacheco resident and Belmont Terrace Homeowner's Association member Ryan Baillie claimed annexation would bring benefits to North Pacheco.

"A Martinez patrol car will respond to a crime in progress faster if Measure T passes. Please consider voting Yes on 'T' when you mail in your ballot," Martinez Police Department officer Dave Mathers wrote by hand on a postcard mailed to voting residents.

As LAFCO's Texeira wrote in April, the purpose of the annexation was "to allow for the extension of city services and to facilitate future development and economic revitalization of the area." According to a report to Council dated July 23, 2008, written by former assistant city manager Karen Majors, in 2007 city officials were "approached by several property owners in the North Pacheco Blvd. area requesting to be annexed into the City of Martinez ... the work on the North Pacheco area should only be entered into if the property owners enter into an agreement to reimburse the City of Martinez for the cost to undertake the above described scope of work estimated to cost approximately \$30,000 to \$60,000," Majors recommended.

No such agreement was ever signed, nor did the landowners reimburse the general fund to cover consultant fees as initially discussed.

"The property owners are never expected to pay back the City for annexation. It doesn't work that way," said current city manager Phil Vince, in an emailed response Wednesday.

The Martinez City Council – by a vote of 4 to 1 – approved hiring consultant CH2M HILL to prepare documents and information in support of the annexation. Council member Lara DeLaney voted against the contract, saying "she felt projects of this size should be done with an RFP (request for proposal), and it should have been done as a matter of course," the July 23, 2008 meeting minutes read.

On May 20, 2009, the Council allocated \$25,000 to hire a consultant to prepare a California Environmental Quality Act document for the annexation application. But now that Measure T failed to pass, the taxpayer monies spent by the City in an attempt to annex North Pacheco over the past four years will have to be chalked up as a loss.

"At this time, the City has no plans with respect to North Pacheco. I expect the City Council to have a discussion of the issue and possible alternatives at a future meeting," said Schroder on Wednesday.



# MOVERS & SHAKERS

## MOVERS AND SHAKERS

Does your district have an individual recently appointed as general manager or a top staff position? Have you recently elected a new board president? Have any district personnel been appointed to other community boards or positions? Email your district's movers and shakers to Nicole Dunn, communication specialist, at [Nicoled@csla.net](mailto:Nicoled@csla.net) and we will include them in our next issue!



*Elizabeth Cline*

**Elizabeth Cline**, manager of the Fresno Westside Mosquito Abatement District has been elected South Pacific Regional Director of the American Mosquito Control Association (AMCA). AMCA is a nonprofit organization dedicated to providing leadership, information and education leading to the

enhancement of public health and quality of life through the suppression of mosquitoes.

Nevada Irrigation District welcomes two new managers. **Jim Malberg** has been hired as NID's finance manager. He fills the role after previous finance manager, **Marie Owens**, retired.

NID also welcomes **Brian Powell** as maintenance manager. Powell oversees the district's largest department, with over 50 employees.

Central Contra Costa Sanitary District announces the appointment of **Ann E. Farrell** as general manager. Farrell joined the district in 1999 as its director of engineering.

**Sacramento Suburban Water District** has received two awards from the California Association of Public Information Officials. The awards were in the categories of Writing, for the district's Tap Water Facts, and Special Publication for its Outdoor Watering Schedule Magnet bill insert.



*Mike McGill*

Central Contra Costa Sanitary District Board Member **Mike McGill** has been re-elected to serve another term on the Contra Costa County Local Agency Formation Commission. McGill was also appointed to the California Association of Local Agency Formation Commission's Board of Directors.

Palm Springs Cemetery District Manager **Kathleen Jurasky** was recognized as Cemeterian of the Year by the California Association of Public Cemeteries. The award is given to an individual who has demonstrated outstanding leadership as a public servant in the public cemetery district field.

Town of Discovery Bay CSD has appointed **James Mattison** to its board of directors. Mattison takes the place of former director Brian Dawson, who resigned and will hold office until the next general election in November.

San Bernardino Valley Water Conservation District welcomes new board member **Bob Glaubig**, who was recently elected to its board of directors. Board member **Richard Corneille** was elected as Board President and **Melody McDonald** was reelected as Board Vice President.

Western Municipal Water District announces Board Member **Charlie Field** received the prestigious Frank Miller Civic Achievement Award by the Mission Inn Foundation. The award was given for outstanding civic leadership, service and support to the community. ■

## **Martinez: Alhambra Valley annexation proposal set for Sept. 12 hearing**

*By Lisa P. White Contra Costa Times San Jose Mercury News*  
*Posted:*

Tuesday, September 4, 2012  
ContraCostaTimes.com

MARTINEZ -- The county agency that regulates local government boundary changes is scheduled next week to review Martinez's application to annex four subdivisions in the Alhambra Valley.

The City Council originally proposed annexing 139 parcels across nearly 400 acres in the valley, the semirural area south of Martinez. Facing a likely referendum, city leaders last month reduced the annexation area so it primarily includes properties bound by existing agreements to one day become part of Martinez.

Martinez has asked the Contra Costa Local Agency Formation Commission, or LAFCO, to amend its annexation application. The revised proposal includes 316 acres and 104 parcels in the Stonehurst, Alhambra Valley Ranch, Deer Creek and Valley Orchard subdivisions, according to Lou Ann Texeira, LAFCO's executive officer.

The LAFCO meeting is 1:30 p.m. Sept. 12, in the Contra Costa County board of supervisors chamber, 651 Pine St. in Martinez.

When Stonehurst and Alhambra Valley Ranch were built in the 1980s, the deeds included a stipulation that the houses would one day become part of Martinez.

LAFCO encouraged Martinez to annex the developments because the city provides water service to the luxury homes in the gated communities. City leaders also believe they have deferred annexation agreements for the homes in the nearby Deer Creek and Valley Orchard subdivisions. Martinez claims to have 99 signed agreements, according to Texeira.

If 25 percent of the registered voters or landowners in the proposed annexation area file a written protest with LAFCO, Martinez must hold a mail-in ballot election. However, homeowners bound by deferred annexation agreements cannot file a protest.

In some cases, the current property owners signed the deferred annexation agreement. In others, previous owners or the developer may have signed it. Regardless, the city says the agreements are legally binding.

Hal and Marie Olson, of the Alhambra Valley Improvement Association, say the city removed 22 of the 25 homeowners they represented from the proposed annexation area.

Opponents believe annexation will ruin the valley's rural character and lead to poorly maintained roads and slower police response times. Valley residents who are annexed also would have to help repay a \$30 million parks bond Martinez voters passed in 2008.

The Olsons and others also have criticized the way the city cherry-picked properties to annex with an eye toward avoiding a vote.

"I think it needs to be all of the valley or none of the valley," Billie Fivella, whose home on Briones Road is not slated for annexation, told the council last month.

Some residents worry the city may make changes that would disrupt their way of life.

For example, the Lompa family keeps a horse, two goats and 23 chickens on their 5-acre property on Deer Creek Drive. The family is able to have the animals because the land is zoned agricultural under county rules. Although council members have said they are not planning zoning changes, the Lompas remain skeptical.

"(You're) not showing any honor or respect, just plain decency to the people of the valley," Ernest Lompa told the council.

Contact Lisa P. White at 925-943-8011. Follow her at [Twitter.com/lisa\\_p\\_white](https://twitter.com/lisa_p_white).