

# San Pablo: Doctors Medical Center approves two-pronged asset disposition plan

June 10, 2015  
Agenda Item 17c

By Tom Lochner [tlochner@bayareanewsgroup.com](mailto:tlochner@bayareanewsgroup.com)

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SAN PABLO -- Doctors Medical Center is for sale -- as a hospital or as choice developable downtown real estate -- according to a two-pronged asset disposition plan decided by its board Tuesday.

The decision followed a sometimes raucous meeting of the West Contra Costa Healthcare District board during which several would-be hospital turnaround operators complained that the board had turned a deaf ear to their rescue proposals.

The hospital closed April 21 after running what officials say was an intractable, years-long annual deficit that stood at about \$18 million most recently. Officials blame the deficit largely on the hospital's payer mix: About 80 percent of DMC's patients were covered by Medi-Cal or Medicare, and another 10 percent were uninsured.

Under a bifurcated disposition plan, the Camden Group, a nationwide health care consultant, will seek a buyer or partner to operate the hospital. The district previously worked with Camden in an unsuccessful marketing attempt in 2012.

In a parallel effort, Kennedy Wilson, a commercial real estate brokerage firm, will market the remaining 8.3 acres of the DMC campus as a commercial real estate opportunity. The board recently agreed to sell to San Pablo a 2.5-acre slice of the campus used by the adjacent Lytton Rancheria for parking under a 20-year easement. San Pablo also has a right of first refusal on the main portion of the campus.

Board members acknowledged that DMC would likely fetch a much higher offer if marketed as developable real estate than as a hospital.

Several would-be buyers complained they stood ready for months to buy and operate the hospital, but the district refused to negotiate.

And on Tuesday, some of them urged the board to negotiate with them immediately, rather than list the hospital for sale with brokers.

Board Chairman Eric Zell said the board is not about to "single-source" a deal. Any offers need to be vetted properly, he added, to protect against the eventuality that a buyer might acquire the hospital cheaply, pledging to operate it as such, only to pull the plug months later and sell it to a developer at a profit. Board member Deborah Campbell blasted the rest of the board, and Zell in particular, for not negotiating with entrepreneur Larry Anderson, who has made several proposals and asserted that he has raised \$13 million.

That prompted an angry exchange with district counsel Rick Norris, who said Anderson might have walked away after the district committed more money to keep the hospital afloat trying to make a deal with him.

After the meeting, Zell and Norris said the board would give priority to a "viable and sustainable" offer to operate the hospital over a more lucrative sale of the campus as real estate.

## AB-3 Passes Assembly Governance Committee

By Staff Report



Das Williams. Stephen Manga/Daily Nexus

The California State Assembly Committee on Local Government voted 6-1 with two abstentions on Wednesday to

re-refer Assemblymember Das Williams' Assembly Bill 3 (AB 3) to the Joint Committee on Fairs, Allocation and Classification.

The bill establishes Isla Vista self-governance through a Community Services District (CSD) funded by a Utility Users Tax (UUT), if approved by voters within the district's proposed boundaries. Williams wrote AB 3 as an alternative to establishing a CSD through the Santa Barbara County Local Agency Formation Commission (LAFCO) in order to address the need for improved infrastructure and services in the I.V. community. Santa Barbara City College (SBCC) trustee and UCSB alumnus Jonathan Abboud organized a group of UCSB students and I.V. residents to speak in favor of the bill during public comment.

Assemblymember Williams said the bill is going straight to the committee because previous attempts to establish I.V. self-governance over the last 45 years have been stifled by LAFCO.

"When a local LAFCO cannot take care of a very important, complicated but ever-present problem for 45 years, do we have the authority to take that back and act ourselves?" Williams said. "I think we do."

Williams said the bill has been thoroughly evaluated by the community since first being introduced to the Assembly in December.

"While the CSD is not going through the traditional LAFCO process, this bill has undergone extensive community outreach, including 42 public meetings and four public town halls," Williams said. "It truly reflects the majority opinion from the community."

According to Williams, the current conditions in I.V. are at a "breaking point" and require improved services such as additional police, a parking district and a tenant mediation program.

"Critical infrastructure and services are not being provided and the safety and wellbeing of I.V.'s residents are not being adequately protected," Williams said.

Associated Students External Vice President of Local Affairs (EVPLA) and fourth-year political science and psychology double major Cameron Schunk said AB 3 is an opportunity to redefine I.V. through the establishment of CSD.

"We have consistently had a lack of opportunity to prove ourselves," Schunk said. "We are consistently at the behest of media sources and every time something happens in Isla Vista, we are painted colors that we have no choice or say in."

Chair of the Local Governance Committee Assemblymember and UCSB alumnus Brian Maienschein said, while he chose to abstain from voting on the motion because of his connection to USC, he plans to continue working with Williams on AB 3.

"Isla Vista is unique," Maienschein said. "I have been persuaded by the testimony today and just kind of my life experience there, so I won't quite get to 'yes,' but I want to keep working with you and your office on this."

Maienschein said that AB 3 resonates with him on a personal level because of his experience living in Isla Vista for three years.

"I think Isla Vista sits in a unique position," Maienschein said, "because of all the issues that have traditionally been there back since my time up through the current time. In fact, the latest incident was in literally one of the exact blocks I lived on. So this hits close to home for me."

Thirty-three year I.V. resident and homeowner Pegeen Souter said she opposes the bill and favors the LAFCO process because she feels AB 3 does not clarify funding and the role of UC Santa Barbara in a CSD.

"It takes time and information to craft a solid and lasting form of government," Souter said. "If this bill is to move forward, then it should go through the LAFCO process."

Santa Barbara LAFCO Executive Officer Paul L. Hood said the commission is taking an "oppose unless amended position" on AB 3, and the commission should be included in the formation process to ensure a financially feasible CSD.

"We strongly believe the Santa Barbara LAFCO should be involved in the formation process," Hood said. "We also believe that the LAFCO process would afford a feasibility study to be prepared, which would determine the viability, the sustainability of revenues that would be available to the new CSD."

California Association of Local Agency Formation Commissions (CALAFCO) Executive Director Pamela Miller said the commission does not oppose the CSD itself, but believes LAFCO should be included in its establishment.

"CALAFCO is not arguing whether or not a CSD is the appropriate mechanism, our concerns lie in the bypassing of the LAFCO process," Miller said.

Miller said, while there are certain components in AB 3 that LAFCO cannot grant, excluding the commission may lead to greater risks.

"It is true, as the assemblyman said that LAFCO cannot approve the proposed governance structure or the proposed services to be provided," Miller said. "But bypassing the comprehensive analysis is very dangerous ... all of our concerns would be addressed if a comprehensive review by the LAFCO were done."

Office of the External Vice President of Local Affairs board member and second-year communications and film and media studies double major Arielle Kronovet said one the biggest issues facing I.V. is inadequate parking.

"I'm lucky I have parkway so I don't have to deal with parking," Kronovet said. "But last year I was searching sometimes for hours trying to find parking, and I couldn't afford parking on campus."

According to Kronovet, students need the government to protect students from property management companies that abuse their power and take advantage of students.

"In the beginning of the year, my house was robbed," Kronovet said. "There was no evidence of forced entry so the property management wouldn't change the locks and they had a key. I called the property management, and they told me it wasn't a high priority issue."

Santa Barbara County Third District Supervisor Doreen Farr said a CSD in I.V. will require components LAFCO cannot establish, such as a UUT and a hybrid board with elected and hybrid board with elected and appointed members representing entities such as UCSB, SBCC and Santa Barbara County.

"What I wanted to convey to the legislature was the uniqueness of Isla Vista, and the fact that we had demanded a unique solution, requiring some elements that [neither] LAFCO nor the board of supervisors could grant," Farr said. "Only the legislature could."

Farr said LAFCO members should offer alternative ways to help I.V. rather than criticize AB 3.

"I can understand [LAFCO] having concerns, but they did not express more concern and care for the future of the community," Farr said. "You can have questions and you can have concerns, but also, show us that you really do want to be helpful. I have to say I haven't gotten that sense at the meetings."

According to Farr, Isla Vista does not have a high source of income from sales or property taxes.

"[I.V.] doesn't have a lot of commercial development or other kinds of sales tax or transient occupancy tax

generators, hotels and such and the community,” Farr said.

“Properties in the community don’t change hands very often, so the property tax that has been being paid is probably much lower than if the property was sold and then reassessed.”

Off-campus senator-elect and second-year political science major Louis Mariano said he appreciates Farr’s supporting AB 3 regardless of her position in the county.

“She’s always been there for Isla Vista and been working hard for the county to focus on it,” Mariano said. “She’s in a tight squeeze, but I am very grateful she was for the bill, because she knows Isla Vista needs help.”

Abboud said Maienschein’s support of AB 3 shows the importance of I.V. self-governance.

“It shows Isla Vista has faced the same issues over and over without a way to correct them permanently,” Abboud said. “The root of the issue has been no local control and no local self-determination. I think him being moved by his own personal experiences is indicative of why we need to pass this bill.”

According to Abboud, students have shown they can efficiently hold leadership positions regardless of how long they live and stay in I.V.

“Students are regularly elected and do a wonderful job,” Abboud said. “Just because students with a little ‘S’ are transient, students with a big ‘S’ aren’t.”

A version of this story appeared on page 7 of the Thursday, May 14, 2015 print edition of the *Daily Nexus*.

[Correction: A previous version of this article was titled “Contested Bill Addresses Isla Vista Self-Governance”. The title was altered to its current title for clarity.]

NEWS

MAY 14, 2015

# Stanislaus County mayors retain Beekman in 'black eye' marathon

## HIGHLIGHTS

Hughson Mayor Matt Beekman stays on LAFCO – for now

Other mayors say Beekman went against their direction

Audience supports Beekman and farmland preservation



At a meeting of the Stanislaus County Mayors' City Selection Committee for Local Agency Formation Commission representation Wednesday, Hughson Mayor Matt Beekman's counterparts decided to decide later whether Beekman will continue serving as a city representative on LAFCO. | **Garth Stapley** -



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BY GARTH STAPLEY

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Accusations flew and tempers flared as all nine mayors in Stanislaus County gathered to decide if one of their own should continue representing them on a growth-guiding panel that suddenly doesn't seem so obscure.

For 3 1/2 hours Wednesday, some of Hughson Mayor Matt Beekman's counterparts accused him of traitorous conduct for discounting their wishes in a March vote on farmland preservation, while most speakers in a full audience stridently defended him and charged his accusers of manipulative politicking.

"This meeting is really about what puppet you're going to put on the dais to say what you want him to say," said audience member Lina Alldredge of Wood Colony.

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**I'M MISSING THE GOLDEN STATE WARRIORS  
(TO ATTEND THIS MEETING). THIS IS FAR  
MORE ENTERTAINING THAN A LOW-POST  
PICK-AND-ROLL AND A FADE SHOT FROM  
THE CORNER.**

Lloyd Blackman, Turlock

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The mayoral majority ultimately decided to decide later. In two months, they'll reconvene to weigh



whether Beekman will have done enough to redeem himself and continue serving as a city representative on the Stanislaus Local Agency Formation Commission, which rules on cities' annexation requests.

Beekman, who feels he did no wrong, remained puzzled Thursday morning at what the other mayors want, and frustrated that Wednesday night's fireworks seemed to accomplish little.

"We should have been able to figure it out, either way," he said, adding, "I don't feel like I got clear direction."

County Counsel John Doering advised the mayors that their sole duty as members of a selection committee was to choose who would represent them on LAFCO, not to give Beekman marching orders to save his LAFCO seat. The mayors largely ignored that, the majority voting to pursue a compromise and return in 60 days.

At the heart of the controversy was LAFCO's 3-2 approval in March of a formula for calculating how much money developers should pay cities when replacing farmland with homes or other buildings. Cities say the price is too high and the formula challenges their authority over land-use decisions, while farm advocates contend it's fair and represents only one of three options that cities can choose for preserving farmland.

Beekman joined county representatives to narrowly approve the formula, prompting the mayors to call for Wednesday's meeting to consider replacing him on the commission. Some mayors said the LAFCO vote should be reversed; others said it's water under the bridge, but wanted

to address Beekman's failure to follow the direction of most mayors.

"We selected you thinking you would fairly represent us," Riverbank Mayor Richard O'Brien told Beekman. "When seven cities say, 'Don't go forward with this,' and you did, it shows disregard for our opinion, that you'd already made up your mind."

Waterford Mayor Mike Van Winkle said, "Having this rammed down our throats is what I'm upset about. There should have been more discussion."

"People were saying, 'Time out; we need to slow down,' " agreed Patterson Mayor Luis Molina. "That's not what happened."

Two audience members agreed, but they were outnumbered by 24 people standing up for farmland preservation, Beekman or both. The room broke into applause at comments supporting the mayor of Hughson, the county's smallest city.

"God bless you, Mayor Beekman; thank you for representing all the cities and citizens," said Katherine Borges of Salida.

"No one has the right to take those convictions away from him - no one," said Hughson's Marie Assali.

Modesto's Christopher Aggers said, "If you vote to remove him, you're feeding that cynicism in the community."

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**TO SEE SOMEONE WITH INTEGRITY AT THIS  
LEVEL IS EXTREMELY MOVING. TO SEE THE**

## **CURTAIN PULLED BACK AND POLLUTION OF THE PUBLIC PROCESS IS EXTREMELY DISTURBING.**

**Dan O'Connell, American Farmland  
Trust**

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Mayors of the county's two largest cities – Modesto's Garrad Marsh and Turlock's Gary Soiseth – also defended Beekman.

"Here we have someone who did not do anything illegal, immoral or unethical and is very qualified to represent all cities on LAFCO, and he made a judgment call," Soiseth said.

Marsh noted that "angry emails" were "flying" among "perturbed" mayors "the day after the vote."

"I believe Matt and the LAFCO body were following the law," Marsh said. "They saw a major loophole (in farmland preservation policy) and were trying to give a remedy for that, though it may not have been reached in a collaborative process. I think it could have been done better."

Beekman acknowledged that going slower may have been wiser, as did County Supervisor Terry Withrow, a LAFCO member who spoke from the audience.

"This is a bad spot we've gotten to. It's become emotional and way past the issues," Withrow said.

"If we had known there was that much angst and more time would have eased it ... I would have been willing to put this off," he said, adding that a

delay might not have changed his vote.

Several speakers said the ugliness of the high-level skirmish overshadows progress made by leaders.

"These are pretty dark days for us," Ceres Mayor Chris Vierra said, pondering how to patch hurt feelings.

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**SUPERVISOR (JIM) DEMARTINI DOESN'T AGREE WITH ME. HE TOLD ME TO MY FACE HE AGREES WITH ME; BEHIND MY BACK, HE SAYS OTHER THINGS.**

**Ed Katen, Mayor of Newman**

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County Supervisor Vito Chiesa said the mayors' group had gone from "most functional" to "most dysfunctional" with an economic price to pay.

"This is going to be a black eye for the community as we're trying to attract business," he said.

"It seems absurd," said Amanda Sorensen of Salida, comparing the mayoral majority to "a 16-year-old girl who got a BMW instead of a Mercedes for her birthday."

Barbara Swier of Hughson said, "To find out this great idea devolved into this embarrassing fiasco is too sad for words."

Rhett Calkins of Hughson had a different take. "This is what politics is supposed to be about; we're supposed to disagree and have it out in public," he said.

[Print This Article](#)

## Beekman remains as LAFCO representative, for now

Elizabeth Arakelian  
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May 14, 2015

Hughson Mayor Matt Beekman will continue to serve as a member of the Stanislaus County Local Agency Formation Commission, or LAFCO, at least for the next 60 days as the county's mayors decided they needed more time to determine if he is fit to represent their collective interests.

Thirty community members took to the podium at the nearly four hour long Stanislaus County City Selection Committee Wednesday night to vocalize their concerns about Beekman being bumped from his appointment on LAFCO. LAFCO is composed of various city and county representatives and though often regarded as nebulous by the general public, one central goal of the commission is to preserve agricultural land while also promoting orderly growth.

Beekman's role on the commission came under speculation after a deciding vote he cast on land mitigation efforts at the March 25 meeting left some of the mayors feeling misrepresented.

LAFCO convened in March to discuss refining the language of its in-lieu fee methodology, one tactic aimed at achieving 1:1 land mitigation. This ratio ensures that if land is developed, an equal amount is also preserved for agricultural use, thus retaining the region's resources.

In a 3-2 vote Beekman voted with Stanislaus County Supervisors Jim DiMartini and Terry Withrow to amend the LAFCO agricultural preservation policy to set an in-lieu fee methodology of 35 percent plus a five percent endowment. The item was opposed by Turlock City Council member Amy Bublak and LAFCO public representative Brad Hawn.

As chair of the Stanislaus County City Selection Committee Beekman governed Wednesday's agenda with the only item for the mayors' consideration being his removal as the LAFCO representative.

"Frankly, we shouldn't be here tonight," said Beekman, who listed his experience and perfect attendance as a testament to his eligibility as the LAFCO representative. "The reason why I'm being asked to step down is because of one vote, not because of a

voting pattern."

A central concern of many of the mayors was that Beekman did not take into consideration the impact that his vote would have on the diverse communities he represents on LAFCO: Waterford, Newman, Ceres, Oakdale, Hughson, Turlock, Riverbank and Patterson.

"The City Selection Committee is supposed to select a member that fairly represents the diversity of the cities," said Riverbank Mayor Richard O'Brien. "We selected you thinking you would fairly represent us. When you have seven cities saying 'don't go forward with this' and you did, that shows us that you have a disregard for our opinion when you've already made up your mind."

However, not all of the mayors were willing to hold Beekman singularly accountable. Turlock Mayor Gary Soiseth vocalized support not necessarily for Beekman's decision, but rather his right to make it.

"Here we have someone who did not do anything illegal, immoral, or unethical. He did his homework, is very qualified to represent us — not only the cities but the county residents on LAFCO — and made a judgment call. I think that there were mistakes made, I think we could have had a lot more communication, and that was admitted by Mayor Beekman and that is something I think he will work on," said Soiseth. "This is just a disagreement on a policy and I'm not diminishing that at all, but I'm saying that we do not have to remove Matt Beekman tonight. We do not have to remove him from LAFCO because we disagreed with him."

Stanislaus County Supervisors Vito Chiesa and Withrow took to the podium during public comment and urged the mayors to consider the long-term ramifications of their vote as well as the perception it lends the public.

"This is dividing our community," said Chiesa. "It is not right. It is going to be a black eye for our community. I hope that you will reconsider."

"Decisions that are made emotionally are usually the worst decisions," Withrow cautioned. "I ask you to redirect your angst towards me if that is what it takes because I'm the one that initiated the vote on this thing and I'm as much to blame as anybody... I would not have changed my vote, but if I had understood that there really was this confusion out there amongst everyone, and more time would have helped ease that, I would have done it in a heartbeat if it would have kept Matt."

An overwhelming majority of the 30 individuals that made public comments vocalized their support for Beekman, many noting that his vote is a sign of his commitment to his community and farmland preservation. Others took a less personal approach and suggested the mayors focus on the issue at hand.

"LAFCO is legally bound to fully fund one-to-one mitigation, period. It has to be done. This has nothing to do with Mayor Beekman or any other mayor, this is the legal responsibility of LAFCO," said Jeani Ferrari.

Others felt differently, such as Ceres resident and former LAFCO member Edward Persike who said Beekman did not take into account all of the communities for which he is beholden to represent.

"Mayor Beekman did not represents his constituency. He represented a constituency, but not the constituency that elected him and for that infidelity, really, he has one of two choices: He can resign or I believe that he will be removed and another person will take his place," said Persike.

Persike said Beekman's removal "would be a breath of fresh air and a chance for this LAFCO to reorganize and re-look at some of the things that it's doing."

While the opinions of the public at the podium and the elected officials at the dais were as diverse at the communities represented, several participants in Wednesday's discussion took a moment during their comment to reflect that being able to publicly discuss the issue was valuable.

"This is America in its purest form," remarked community member Lloyd Blackman.

The mayors ultimately decided in a 2-7 vote to table the discussion of removing Beekman from the committee and will reconvene in 60 days to reevaluate his position on LAFCO. The only dissenting votes were Beekman and Waterford Mayor Michael Van Winkle who also opposed Marsh's first motion of keeping Beekman on the LAFCO committee which failed by 3-6.

<http://www.turlockjournal.com/section/14/article/29320/>



# Our View: Mayors need a graceful retreat plan

Stanislaus mayors need to resolve LAFCO board dispute

By the Editorial Board, The Modesto Bee, May 14, 2015

It doesn't make sense to die on a molehill. Yes, we've smashed two cliches, but it seems a fitting description for the latest episode of "The Angry Mayors of Stanislaus County." They worked themselves into a lather over a vote on the LAFCO board in March concerning the calculation used to determine the value of agland easements in annexation requests. The calculation is one of three methods available to homebuilders contemplating new housing projects.

But officials in the county's smaller cities – Patterson, Newman, Ceres, Oakdale and Riverbank – felt the formula infringed on their civic prerogatives. It didn't seem to matter if adopting an inadequate formula, as Patterson and other cities were considering, would likely have resulted in annexations being denied.

What the mayors found intolerable was that the key vote in LAFCO's decision was cast by their appointee – Hughson Mayor Matt Beekman – after most of the mayors had specifically told him to vote the other way. The mayors wanted the concept of "majority rule" to bind Beekman, but not to bind them when they were no longer in the majority.

The problem is that once you appoint someone to a board – as the mayors with Beekman – it is up to the *appointee* to vote how he sees fit. That's the law. You can question it and get angry about it, but unless there is evidence of wrongdoing there is no basis to have an appointee thrown off that board. That didn't stop the mayors from arranging their meeting Wednesday night. It's safe to say it blew up in their faces when almost 100 people came to Turlock, the vast majority to protest their action and defend both the LAFCO process and Beekman.

In the face of such opposition, the mayors set aside any motion to remove Beekman. They'll reconvene in 60 days. In that time, we hope that things cool off. Though the adopted mitigation policy is entirely fair, there might be a better way of determining fees for small parcels. Modesto Mayor Garrad Marsh made a few suggestions, as did others.

Apparently, some of the mayors – most specifically, Richard O'Brien of Riverbank – felt misused by The Bee. But the mayors charted their own course up this little mountain; it's up to them to find a way off without tripping.

Read more here: <http://www.modbee.com/opinion/editorials/article21118929.html#storylink=cpy>

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## ConFire-AMR Partnership Forges Ahead

*By Nick Marnell*

The Contra Costa County Fire Protection District moved another step closer to providing emergency ambulance service in Contra Costa County on May 12 when the Board of Supervisors, acting as the ConFire board of directors, authorized fire chief Jeff Carman to execute an agreement between the district and American Medical Response, the current provider of county ambulance service. The agreement details the relationship between the district and AMR if ConFire is awarded the 5-year Contra Costa County emergency ambulance service contract effective Jan. 1, 2016. The county regions up for bid exclude the Moraga-Orinda Fire District and the San Ramon Valley Fire Protection District, which provide their own ambulance transport service.

After a district consultant reported in 2014 that it would be financially feasible for ConFire to provide ambulance service for the county, AP Triton, LLC, a fire consultant, advised the district that the most suitable and cost effective way to provide that service was to partner with a private ambulance company. Through a competitive bidding process, ConFire chose to partner with AMR, under a subcontractor agreement with the district.

Should the county award ConFire the ambulance contract AMR, as the ambulance subcontractor, will provide the district its own personnel and equipment and will also be responsible for maintaining and upgrading the ambulance fleet. Over the five years of the deal ConFire will pay AMR not more than \$188 million for this service, which Carman explained would be the district's maximum financial exposure. ConFire will bill and collect patient fees and charges, reimbursements from healthcare providers and other emergency ambulance transport revenue to cover those expenses.

"Even at the maximum costs, this proposal will make financial sense to the district?" asked John Gioia, board chair.

"Absolutely," said Carman.

Carman later pointed out indirect benefits of the relationship with AMR, including consolidation of personnel and other potential costs savings. "AMR has huge buying power for medical supplies," he said. "At the same time, we have better buying power for fuel since we use so much, and they can take advantage of that."

Erik Rohde, AMR general manger for Contra Costa County, discussed the synergy of merging dispatch personnel. "ConFire's dispatch center is in Pleasant Hill and ours is in Sacramento," he said. "By putting them in the same room, the dispatchers will have the ability to communicate real time, face to face, rather than over a phone or computer."

And one of Carman's top frustrations will frustrate him no longer. "We won't send a fire company and an ambulance to everything anymore," he said. "Now we can send just what is needed and closest. This adds capacity to our response reliability."

The Board of Supervisors plans to approve the new county ambulance contract in July. If ConFire is awarded the deal, and the district successfully enters into the subcontract with AMR, it will have joined forces with its long-time rival.

"We will share mission and vision," said the chief. "Instead of competing, we will be working as a single team."

"Truly this relationship will be better for the agencies and the customer."

Reach the reporter at: [info@lamorindaweekly.com](mailto:info@lamorindaweekly.com)

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# Dublin water district reduces rates as a reward for saving

By Denis Cuff [dcuff@bayareanewsgroup.com](mailto:dcuff@bayareanewsgroup.com)

Posted: 05/20/2015 04:51:44 PM PDT Updated: about 3 hours ago

DUBLIN -- About 80,000 people in Dublin and San Ramon are getting lower water rates right away because they have saved the resource so well in the drought.

The price break isn't huge -- about \$2.55 a month for many households -- but any cut in rates is unusual in a dry year when many California water districts are imposing or renewing steeper rates as an incentive to save.

Officials at the Dublin San Ramon Services District said they have some flexibility because their customers have done an admirable job of saving water aggressively.

"This is good news," said Richard Halket, a water board member who voted Tuesday with the 5-0 majority to reduce rates immediately. "This is rewarding customers for what they have done."



A woman takes an afternoon bike ride past the plastic-shrouded fountain heads at Emerald Glen Park in Dublin ON Nov. 9, 2014. The fountain has been shut down for the duration of the drought. (Jim Stevens/Bay Area News Group)

District customers in Dublin and San Ramon's Dougherty Valley slashed water use nearly 25 percent last year to cope with sharp cuts in state supplies to the Tri-Valley area, including Pleasanton and Livermore. The savings, among the highest in California last year, left many lawns brown.

This year, the state water board ordered urban water districts in California to cut use by amounts averaging about 25 percent below 2013 levels. But the board said the Dublin San Ramon district only has to reduce use 16 percent because it has a low per-capita residential water use rate -- just 84.7 gallons per day last summer -- and customers continue to save.

With conservation habits ingrained, the district can ease up a little and still meet the 16 percent target, district managers said.

"Our message to our customers is, 'Keep it up and we should be able to get through this year okay,'" said Sue Stephenson, a district spokeswoman. "We may need every drop we save this year if next winter is dry."

Board members said the district still faces an emergency, but not quite as severe as last year.

Households will continue to face harsh financial penalties if they use more than 4,480 gallons per week -- an average of 640 gallons a day. Washing down pavement still is banned.

And the district's tiered water rates -- though lower now -- are still higher than they were in 2013.

Under the rate reduction, a household using 200 gallons per day will see its monthly water charges drop from \$44.92 to \$42.37.

The district also relaxed its outdoor watering restrictions slightly to match the statewide limit of irrigating lawns and plants no more than twice a week. The district previously banned outdoor water in wet winter months, and had a once-a-week limit in spring months.

And the board agreed to drop a ban on washing cars at home as long as a shutoff nozzle is used on the water hose.

Contact Denis Cuff at 925-943-8267. Follow him at [Twitter.com/deniscuff](https://twitter.com/deniscuff).

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## New Ambulances Rolling in to MOFD

*By Nick Marnell*

At its May 6 meeting the Moraga-Orinda Fire District board unanimously approved a \$425,000 expenditure for two new 2016 International TerraStar Leader ambulances, which will give the district a fleet of six ambulances, including two reserve vehicles. MOFD last purchased ambulances in 2008.

"Our two most active ambulances have been out of service 27 percent of the time," said fire chief Stephen Healy. "We're burning through transmissions, motors and brakes, and a cracked frame, in one case. We are very tough on our ambulances."

The district apparatus committee, headed by battalion chief Felipe Barreto, recommended the purchase of new vehicles as opposed to remounting the current district modules on new chassis. "For one thing, we then wouldn't have reserve ambulances," said Healy. The chief noted that the new ambulances should last up to 15 years, while remounted modules onto new chassis will last maybe half that long. The cost of remounting was presented as about half the cost of a new purchase.

Healy explained that the new apparatus have beefier chassis, stronger power trains and are larger and heavier duty than the models being replaced. He allayed concerns that the new ambulances were so much bigger than the current units that they could not navigate all of the district roads. "Our fire engines can get to every street in the district," he said. "These are much smaller than our fire engines."

Barreto said that the ambulances should be delivered in the fall, and that the two new vehicles will likely be deployed at station 41 in Moraga and station 44 in south Orinda. One reserve ambulance will remain at station 41, the other stored at Moraga's station 42.

The new Internationals will be purchased through the National Joint Powers Alliance, a Minnesota-based municipal national contracting agency. The district plans to send out a request for proposals this month for the lease financing.

Reach the reporter at: [info@lamorindaweekly.com](mailto:info@lamorindaweekly.com)

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U.S.

## Some California Farmers to Cut Water Use to Ease Drought

By JENNIFER MEDINA [MAY 22, 2015](#)

LOS ANGELES — Ever since the Gold Rush, California farmers have staked their claim to water and ferociously protected the rights to use it to irrigate the crops that have made the state the grocer for the nation.

But on Friday, in a sign of how the record-setting drought is shaking up established ways here, state officials accepted an offer from farmers in the Sacramento-San Joaquin River Delta to give up a quarter of their water this season, by leaving part of their land unplanted or finding other ways to reduce their water use.

The deal is an important concession from growers that officials hope will prompt similar agreements throughout the state's agricultural industry, which uses 80 percent of the water consumed in the state in a normal year.

"We're in an unprecedented drought, and we have to exercise the state's water rights in an unprecedented way," said Felicia Marcus, the chairwoman of the State Water Resources Control Board. "This is a breakthrough in what has long been a rhetorical battle. It's a significant turning point to have people say, 'We know this is complicated. We want to do something early in good faith that is a pragmatic solution for everyone.' "

In the weeks since Gov. Jerry Brown announced across-the-board cutbacks for urban water systems, the state's farmers have become something of a scapegoat. Residents who are timing their showers and letting their lawns turn brown have angrily accused the agricultural industry of not doing enough to curb its own use of

water, although many growers have faced dramatic cuts for the last two years.

Farmers up and down the state feel besieged, and they have fought back with public relations campaigns to emphasize their conservation efforts and explain how their produce feeds much of the country.

While the deal made on Friday is unlikely to have a dramatic effect on food prices or the water supply, the concession by the farmers was a pre-emptive effort to limit potentially steeper cuts.

The state has not moved to restrict water use for the growers with the oldest, most established water rights since the 1970s, but it seems inevitable that those growers will be limited this year. For many farmers, a fear that the worst is yet to come convinced them that they would be better off giving up water before they began planting for the season.

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# California drought: Can we learn from Australia's 'Big Dry'?

By Kristen Gelineau and Ellen Knickmeyer Associated Press

Posted: 05/25/2015 09:05:15 AM PDT Updated: about 3 hours ago



FILE - In this March 3, 2015, file photo, a flock of sheep drink from a dam at the edge of dried-up Lake George, about 250 kilometers (155 miles) southwest of Sydney. On the world's driest inhabited continent, drought is a part of life, with the struggle to survive in a land short on water a constant thread in the country's history. The U.S. state of California is looking to Australia for advice on surviving its own drought. (AP Photo/Rob Griffith, File) ( Rob Griffith )

**SYDNEY --** California's longest and sharpest drought on record has its increasingly desperate water stewards looking for solutions in Australia, the world's driest inhabited continent.

The struggle to survive with little water is a constant thread in the history of Australia, whose people now view drought as an inevitable feature of the land poet Dorothea Mackellar dubbed "a sunburnt country."

Four years into a drought forcing mandatory 25 percent water cutbacks this year, Californians have taken a keen interest in how Australia coped with its "Big Dry," a torturous drought that stretched across the millennium, from the late 1990s through 2012. Australia's city dwellers had to accept tough water restrictions as cattle collapsed and died in barren fields, monstrous wildfires killed 173 people, and scores of farms went under.



FILE - In this July 13, 2002, file photo, sheep wander parched land near a dry reservoir on a Condobolin property, 460 kilometers (285 miles) northwest of Sydney. On the world's driest inhabited continent, drought is a part of life, with the struggle to survive in a land short on water a constant thread in the country's history. The U.S. state of

California is looking to Australia for advice on surviving its own drought. (AP Photo/Rick Rycroft, File) ( Rick Rycroft )

But by the time the rains returned, Australia had fundamentally changed how it handles water, following landmark reforms to more carefully mete out allocations and cutbacks. Today, Australia treats water as a commodity to be conserved and traded. The system also better measures what water is available, and efficiency programs have cut average daily water use to 55 gallons, compared with 105 gallons per day for each Californian.

The hard-earned lesson is that long droughts are here to stay, says drought-policy expert Linda Botterill of the University of Canberra.

"We can expect longer, deeper and more severe droughts in Australia, and I believe the same applies in the U.S.," Botterill says. "As a result, we need to develop strategies that are not knee-jerk responses, but that are planned risk-management strategies."

That's why California water officials routinely cite Australia's experience and invite Australian water ministers to come speak. It's also why Felicia Marcus, who runs California's Water Resources Control Board, can talk in minute detail about the stormwater-capture system watering soccer fields in Perth.

But Californians may find Australia's medicine tough to swallow. Australians are accustomed to living in a dry land, expect government intervention in a crisis and largely support making sacrifices for the common good. For much of their history, many Californians have enjoyed abundant water, or were able to divert enough of it to turn deserts green, and highly paid lawyers ensure that property rights remain paramount.

"The outstanding feature of the California drought is the way in which it's been allowed to become incredibly serious, with -- from an Australian perspective -- an absolutely pathetic and nominal sort of response," says Daniel Connell, an environmental policy expert at The Australian National University. "The main difference between California and Australia is they're dominated by a legalistic approach and dominated by rights, and we've got a much more public-policy approach."



In this April 29, 2015 photo, rain clouds form in the sky over a desalination plant in Sydney, Australia. On the world's driest inhabited continent, drought is a part of life, with the struggle to survive in a land short on water a constant thread in the country's history. The U.S. state of California is looking to Australia for advice on surviving its own drought. (AP Photo/Rick Rycroft) ( Rick Rycroft )

Australia hardly has all the answers. Some of its drought responses faced sharp criticism, and some experts believe Australia already is losing some of its gains. Still, Americans suffering their own "Big Dry" may benefit from some comparisons:

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## WHOSE WATER IS IT?

**AUSTRALIA:** Too many water entitlements had been allocated for Australia's main river system, which winds thousands of miles across four states that produce a third of the nation's food. Overuse and drought so depleted the Murray-Darling Basin that by 2002, the mouth of the Murray had to be dredged to keep it flowing into the sea.

Australia responded by capping entitlements, canceling inactive licenses and buying back hundreds of billions of gallons from irrigators to restore the rivers and sell to other users when rain is plentiful. Water use is strictly metered to ensure license holders use only what they are allocated. Precise measurements also track the availability of water, which affects its price as shares are bought and sold on a water trading market worth \$1.2 billion a year in U.S. dollars.

The amount of water represented in entitlements doled out to farms, industries and towns depends on what's in the river; in drought, it can dwindle to virtually nothing. This is where water trading becomes critical. License holders can buy or sell their entitlements to others, keeping agriculture afloat. A farmer of a thirsty crop like cotton might not profit when both water and cotton prices are low. But if an orchard grower in desperate need buys that water, the cotton farmer can live off the sale while the orchard owner reaps a profitable harvest.

CALIFORNIA: Gov. Jerry Brown calls the state's system of divvying up water rights, which dates to the Gold Rush of the mid-1800s, "somewhat archaic." The largest state economy in the U.S. still follows the maxim "first in time, first in right," which gives overarching priority to nearly 4,000 so-called senior water rights holders who staked claims before 1914 or own acreage abutting a river or stream. In drought, authorities must completely deny water to most other claimants before they touch the water of senior water-rights holders. San Francisco, for example, has stronger water rights than many other cities because in 1902, Mayor James Phelan hiked up the Sierra Nevada and tacked a water claim to an oak tree along the bank of the Tuolumne River.

"Revising the water-rights system is a thermo-nuclear issue in California," John Laird, California's secretary for natural resources, said last month. If the state's water shortages go on long enough, however, at some point "almost everything has to be on the table."

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## WATCHING THE FLOW

AUSTRALIA: Marcus says California should follow Australia's example in measuring and publicly declaring how water is used. Thousands of gauges across Australia measure rainfall, authorities in each state and territory measure surface water at stream gauging stations, and underground water is monitored through a complex process involving the drilling of bores and controlled pumping tests. Water data collection agencies report to the federal Bureau of Meteorology, which makes the data available online.

CALIFORNIA: California has been one of the most lax U.S. states in tracking water use, but the drought is changing this. Legislation enacted last year requires the state to gradually phase in monitoring, for the first time, of how much groundwater Californians are pumping. Meanwhile, roughly a quarter-million California households and businesses still lack water meters; state requirements to have them don't apply until 2025. The state has relied on an honor system, with rights holders self-reporting what water they have withdrawn from rivers and streams every three years. Gov. Brown's budget proposed last week would require rights holders to install monitors and report water usage to the state annually.

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## TIGHTENING THE TAP

AUSTRALIA: During the Millennium Drought, all major cities imposed limits or bans on watering lawns and washing cars, and inspectors fined people who broke the rules. The restrictions, public-service campaigns and installation of water-saving appliances reduced Australians' household water use from 85 gallons per person per day in 2000 to 55 gallons today.

CALIFORNIA: After some regions all but ignored calls for voluntary cutbacks, Brown's administration mandated a statewide 25 percent cut in water use by cities and towns, and ordered more farmers to stop pumping from rivers and streams. Marcus said the one piece of advice that seemed universal in both Australia and California "was conserve, conserve, conserve, as early as you can, because it's the cheapest, most economical way to buy time" while tougher water-saving measures are phased in. California still is struggling with enforcement, however.

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## DO MORE WITH LESS

AUSTRALIA: Years before the Big Dry, Australians were encouraged to use less water. In 1995, Sydney's water authority was ordered to slash per-capita demand by 35 percent by 2011, and it met that target by reducing pressure and leaks in pipes, boosting businesses' water efficiency, and offering low-cost, water-saving technologies in homes, such as dual-flush toilets, low-flow showerheads and rainwater tanks for gardens, toilets and laundry. When the drought struck, government rebates became so widespread that such devices are now common in many Australian homes.

Such efficiency measures can be implemented quickly, economically and easily, says Stuart White, an Australian sustainability expert who has advised Californians on drought response. "The water efficiency program is the unsung hero of this whole thing," says White, director of the Institute for Sustainable Futures at the University of Technology, Sydney. "In some cities, it's quite possible we would have reached death's door if it hadn't been in place."

CALIFORNIA: Communities across California offer rebates on drought-friendly plumbing and appliances. But the rooftop-rain collectors, stormwater cisterns and bathwater-recycling for gardens, all commonplace in parts of Australia, are rarities here. Increasing numbers of communities are rewriting ordinances to allow families to recycle water from rains and from showers.

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## MIRACLES OF TECHNOLOGY

AUSTRALIA: Billions were spent on desalination plants in major cities -- a decision that remains hugely divisive. Many of the plants are not currently operating because cheaper water is available for now in Australia, prompting critics to dismiss them as expensive and power-hungry flops that will create greenhouse gases and worsen the continent's climate-change woes. Supporters say the plants will protect the country from the next inevitable drought.

CALIFORNIA: While calling for conservation, Brown has pinned his drought focus on an ambitious infrastructure project -- a \$17 billion plan, opposed by environmental groups, to build 39 miles of tunnel to take Northern California water to Southern California's bigger farmers. Desalination plants in the works include one, for San Diego, that will be the biggest such operation in the Western Hemisphere.

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Knickmeyer reported from San Francisco.

# Bay Point: Ambrose Parks chief signs new contract

By Sam Richards [srichards@bayareanewsgroup.com](mailto:srichards@bayareanewsgroup.com)

Posted: 05/27/2015 12:46:07 PM PDT Updated: about 22 hours ago

BAY POINT -- Ambrose Recreation and Park District General Manager Doug Long has signed a new one-year contract to lead the local park district -- one that will pay him \$90,000 for a baseline 30-hour workweek.

By a 4-1 vote, the Ambrose board on May 14 approved the new contract that also, in subtle ways, gives Long something else he wanted: more autonomy in doing his job.

Both Long and board Chairwoman Mae Cendana-Torlakson said in April that was the key issue that prompted Long to submit his now-rescinded resignation in February. Both told this newspaper his decision then was driven in large measure by a lack of autonomy on the job, specifically micromanaging by trustee Lloyd "Lee" Mason. Long also said he didn't believe he had the ringing endorsement of other directors.

Long stayed on while his contract was reworked. The new document has only very minor language changes about how he needs to report various district happenings to the board, and no changes specifically dealing with how board members deal with him, but Long is confident the majority of the board members have his back.

"The sentiment on the board has changed considerably" since February, Long said Wednesday. The full support of four of the directors is more important than the lack of support from the fifth one, he said.

This week, Cendana-Torlakson said the minor tweaks in the contract, plus reassurances from various board members, should mean Long and the board will move ahead together.

"We believe he will be left alone to do his work," said Cendana-Torlakson, adding that Long will also be given more specific direction in helping carry out the district's long-term strategic plan, which will be an ongoing venture.

What has changed in the new contract is the 30-hour workweek. His employment agreement did not specify the number of hours he was expected to work each week, though both the new and old ones acknowledge the general manager often works extra hours each week, sometimes a substantial number as situations arise.

That 30-hours-a-week number bothers Mason, who believes the old contract assumed a 40-hour minimum workweek. The \$90,000 annual salary (unchanged from Long's original contract) bothers him, too. Others have criticized Long, including members of the community group West Pittsburg for Progress.

Mason, who denies ever "micromanaging" Long, said he is waiting for change to come, possibly with the November 2016 board election. In the meantime, he said, Long's new contract "doesn't address anything, really, I believe."

Contact Sam Richards at 925-943-8241. Follow him at [Twitter.com/samrichardsWC](https://twitter.com/samrichardsWC)



# California farmers' 'senior' water rights under siege

By Lisa M. Krieger lkrieger@mercurynews.com

Posted: 05/28/2015 03:03:17 PM PDT Updated: about 3 hours ago



A view of Rudy Mussi's almond field that is irrigated with water from the Middle River, which has supplied water since the property was purchased from the state in 1872. (Dai Sugano/Bay Area News Group) ( Dai Sugano )

STOCKTON -- A 143-year-old piece of paper proves that Rudy Mussi has a legal right to water from the gently meandering Middle River that nourishes his family farm.

But the same piece of paper -- a "certificate of purchase," signed in florid 19th-century handwriting and faded to near illegibility -- also is proof to a growing number of critics that California has outgrown its water rights system.



A portrait of Rudy Mussi, a Stockton farmer and "senior" water right holder under California's byzantine water rights law, at one of his water pumps at Middle River that he uses for irrigation, on May 19, 2015, in Stockton Calif. (Dai Sugano/Bay Area News Group) ( Dai Sugano )

The venerable "senior rights" enjoyed by Mussi and about 4,000 other farmers, companies and public agencies -- some dating back to the Gold Rush --

could soon become the latest casualties of the historic drought.

More than a century ago, the state essentially guaranteed unlimited water from California's rivers and streams to pioneers who struggled to turn wilderness into fertile fields that supported a young and hungry California. The rights then were passed down to the pioneers' heirs or to the land's new owners -- who now use more water annually than Los Angeles, San Jose, San Francisco and Sacramento combined.

Once thought inviolable, these water rights holders now face their first real challenge in California history -- and they are the focus of the latest installment in this newspaper's series "A State of Drought."

"If we were designing the California water system today, it would look very different from what we had," said Peter Gleick, co-founder of the Pacific Institute, an Oakland-based think tank that focus on water issues.

"The system of senior water rights might have made sense 100 years ago," he said. "But given our new realities, it is not going to work in the long run."

The current approach "neither protects the environment nor ensures efficient use of our limited water," he added. "It just clarifies who was there first."

Gov. Jerry Brown has said that if the dry conditions continue, the state's entire water rights system could be up for examination. And this month, the state for the first time ordered property owners to provide proof of these rights, triggering anger and a flood of historic and hastily retrieved documents from hundreds of farms, cities and irrigation districts.

Under the threat of a complete cutoff by the State Water Resources Control Board, Mussi and other "riparian" Delta growers -- those who live adjacent to a river -- agreed last week to use 25 percent less water than they did in 2013. And other senior rights holders in other parts of the state soon may be forced to completely turn off their pumps.



Farmers are firing back, hiring attorneys to assert that the state is defying statutes that honor their seniority. The water board's order exceeds the scope of the state's authority, the lawyers contend.

"Water always existed here -- before statehood, before the state water board," said Mussi, 62, driving his pickup along the miles of high earthen levees that protect his tomatoes, alfalfa, grapes and other crops from being drowned by the Middle River.

Unlike most others in the Central Valley, Mussi said, the Delta farmers can't just drill wells to make up for fewer water allocations. That's because their groundwater is so salty that it's



lethal to crops.



Rudy Mussi, a Stockton farmer and "senior" water rights holder under California's water rights law, holds an 1872 certificate of purchase from the state, granting him water rights under its Swamp and Overflowed Land Act. (Dai Sugano/Bay Area News group) ( Dai Sugano )

As the state stretches into its fourth year of drought, the pain of cutbacks is being felt across California. Cities and towns are being required to cut water use from 8 percent to 36 percent beginning in June, or face steep fines. And about 9,000 holders of "junior" rights -- the newer farms -- already have been curtailed for the second consecutive year.

State officials contend that it's only fair to require senior rights holders to cut back. "It allows growers to share in the sacrifice that people throughout the state are facing because of the severe drought," said Felicia Marcus, chairwoman of the water board.

But Mussi called the state's "take it or leave" approach "extortion," noting that he's already tilled the soil, signed contracts with canneries and planted crops -- an investment worth hundreds of thousands of dollars -- trusting the time-honored system of water rights.

"It's like me pointing a gun at your head and saying, 'You don't have to give me your wallet,'" he said.

Here in the Sacramento-San Joaquin River Delta -- home to generations-old family farms amid a network of man-made islands and channels in the nation's largest freshwater estuary -- water is considered a private property right. Rivers drain onto the farmers' fields, then back out again.

Water is almost a birthright in the Delta, where settlers dammed, diked and drained wetlands described as "nothing better than rotting turf and waving rushes ... worthless in their natural condition" by a 19th century New York Times correspondent.

While most Eastern states recognize riparian rights, California and Oklahoma are the only states west of the Mississippi River that continue to recognize them -- and they are governed by few laws and frequently litigated.

A second type of senior right -- called a "pre-1914" right because that's the year California established an official permit process for its chaotic and litigious water rights landscape -- is equally historic. And, until now, it also has been subject to minimal state oversight.

Plumas County alfalfa farmer Robert Forbes contends that the state lacks the authority to take away his water. His family's right to a ditch on a small Quincy reservoir dates back to 1870. It also supplies water to 11 neighbors.

While he's voluntarily made big cutbacks, Forbes said, "My water rights are written into the deed, then passed on."

The junior rights holders, who planted in the arid grasslands and deserts in the southern and western parts of the San Joaquin Valley after 1914, are even farther down the pecking order and have already had their water cut.

A UC Davis analysis shows that California's water is heavily oversubscribed, with five times more water committed to these rights holders than flows through all the state's rivers and streams combined.

Because the state promised more water than it can deliver, farmers such as Mussi -- who shares the farm with his brother, son, nephews and their families -- are angry that their generations-old rights are being eroded.

"To entice people to come here, the state issued a patent, and the water rights came with it," he said. "Now, it's like me coming to you and saying 'Hey, you have a house. One of those bedrooms, I'm going to use it.'"

Who, where and what rights will be curtailed in coming weeks remains to be determined, water officials say. Cutoffs will be based on flows in the watershed -- and how long rights have been held.

To defend their place in line, senior rights holders have rushed their ancient documents to analysts in the Division of Water Rights in Sacramento.

Oroville's Richvale Irrigation District asserted rights dating back to the 1870s for construction of flumes and pipes for long-gone Cherokee Mines. Yolo County's water district rights dates back to the diversion of Cache Creek in 1856.

In the Sierra Nevada foothills, the Kelsey Cattle Ranch's rights were secured by an 1859 ditch dug by Erastus Kelsey. Granite Bay's San Juan Water District traces its rights to an 1853 gold mine on the North Fork of the American River.

The vast irrigation districts in and around Turlock and Modesto also hold senior rights. So does the city of San Francisco, whose mayor hiked into the Sierra in 1902 to nail a claim to an oak tree along the Tuolumne River.

The struggle for California is how to monitor, balance and enforce 19th and 20th century rights that are more abundant than 21st century water.

"The rights system is manifestly archaic and absurd in 21st century California, when the lowest-value uses have at the same time the highest legal priorities," said Wade Graham, an adjunct professor at the Pepperdine University School of Public Policy.

When Australia was faced with a 12-year drought beginning about the turn of the 21st century, Graham said, its governments agreed to manage their water in the national interest rather than on local rights. Graham said he thinks California could create new legal and economic incentives to improve its existing allocation system, rather than a "seizure" of rights, "which is politically and perhaps legally untenable."

The state has a constitutional obligation to "the reasonable use of water and the public trust -- this is above water rights seniority," said Jay Lund, director of UC Davis' Center for Watershed Science.

Lund thinks the fundamental system still works. What needs fixing, he said, is its administration. There's no timely system of reporting usage, and there's too little funding to enforce penalties for overuse, he said.

All the political struggles and financial uncertainties are a far cry from Mussi's childhood, when water was abundant and assured.

"We jumped in ditches to catch catfish. We helped with irrigation, starting the small siphon pipes. We worried about flooding and kept an eye on the levees," he said. "We got inner tubes and jumped in the canal, floating from one end to the other.

"Here in the Delta, we always knew we would have water," he said. "It's always been here."

Always, that is, until now.

Contact Lisa M. Krieger at 650-492-4098. Follow her at [Twitter.com/Lisa M. Krieger](https://twitter.com/Lisa_M_Krieger).

# With no one serving, rural district might dissolve

Posted: Thursday, **May 28, 2015** 6:56 pm

A financially troubled San Benito County water district might dissolve because no one is willing to serve on the elected board.

The Pacheco Pass Water District, in existence since 1931, is both tiny and enormous at the same time. It covers more than a half-million acres of farmland, about three-quarters of it in northern San Benito County but partly in Santa Clara County as well. Since it is largely rural, though, the district serves fewer than 900 people.

On the heels of financial troubles and non-compliant financial reporting over the past dozen or so years, the Pacheco Pass Water District is on the verge of dissolving.

The district has failed to file required audit reports—mandated every five years—since the 2003-04 fiscal year, according to planning documents. It has been unable to cover annual operating costs in recent years and faces depleting reserves. For context on its budget—from the most recent fiscal year with reports available—the district generated revenue of about \$25,000, according to Local Agency Formation Commission of Santa Clara County documents from 2011.

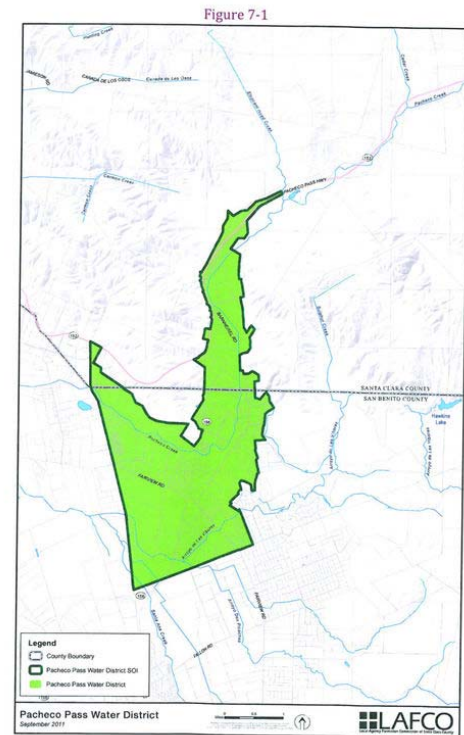
The Pacheco Pass Water District serves a population of 863, according to those planning documents, and it had three (of five possible) active board directors whose four-year terms expired in late 2012. The other two seats had been vacant at that time. It is managed by a part-time secretary and staffs two part-time water masters who submit their hours once annually.

Other agencies, such as LAFCO in San Benito County and the San Benito County Water District, are discussing how to move forward and whether to take on the Pacheco district's customers.

Jeff Cattaneo, manager of the San Benito County Water District, said his agency may well work with the Santa Clara Valley Water District in taking over the existing Pacheco Pass district customers and obligations. Another option is that the Pacheco district be turned over to the county board.

“We’re trying to figure out all the liabilities,” he said.

The San Benito County Water District's board has discussed options in recent months after realizing there was no one willing to serve on the Pacheco district board.



Pacheco Pass Water District

“They are lacking any governance,” he said. “There are no directors anymore for that water district. They can’t continue to function without governance.”

District dissolution is “not common but not horribly rare,” he said.

Cattaneo explained the Pacheco district boundaries stretch from an area near Los Viboras Road out toward Comstock Road and then out toward Fairview north to State Route 156 toward Casa de Fruta.

*Look back for more.*

**OAKDALE****MAY 28, 2015**

# Stanislaus farmland preservation flap may be resolved soon

## HIGHLIGHTS

Mayors will decide July 8 whether Hughson's Matt Beekman will keep his LAFCO seat

LAFCO may have been deceived by Oakdale Irrigation District's 2013 promises, some LAFCO members fear

Holy Family Catholic Church can get Modesto water for future complex north of town



Riverbank Mayor Richard O'Brien, left, and Modesto Mayor Garrad Marsh at the Stanislaus County Mayors' City Selection Committee for Local Agency Formation Commission representation meeting in

Turlock on Wednesday. | **Garth Stapley** -  
[gstapely@modbee.com](mailto:gstapely@modbee.com)

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BY GARTH STAPLEY  
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Mayors of Stanislaus County's nine cities will reconvene July 8 to resolve the divisive question of removing one of their own from a regional growth-guiding panel.

Meanwhile, some members of the panel - the Stanislaus Local Agency Formation Commission - want to look into accusations by some farmers who say the Oakdale Irrigation District deceived LAFCO to win annexation approval for an almond conglomerate two years ago.

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**THIS IS NOT WHAT LAFCO WAS TOLD WHEN  
WE ALLOWED THAT ANNEXATION.**

**Stanislaus County Supervisor Jim  
DeMartini**

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The mayors two weeks ago delayed deciding whether to oust Hughson Mayor Matt Beekman from LAFCO because he voted in March to amend a farmland preservation policy opposed by a majority of mayors. After a lengthy and emotional hearing in Turlock, where most audience members defended Beekman, the mayors opted for time to mend broken fences.

The mayors' committee will gather at 6 p.m. July



8 in the council chamber in Newman, 938 Fresno St.

On Wednesday, LAFCO commissioners heard complaints of some Oakdale farmers upset that OID is providing water to Trinitas Farming despite the drought. Its 7,234 acres east of Oakdale were annexed to OID services in 2013 when LAFCO was assured that doing so would not harm OID's existing customers.

The drought is forcing OID to limit water deliveries for the first time in its 105-year history, yet the board agreed to give Trinitas, and another new customer's 812 acres, a third of the amount going to established customers. Some have circulated petitions, saying they and LAFCO were deceived two years ago by a bait-and-switch strategy that will force longtime customers – not Trinitas – to pump extra groundwater.

This morning, three LAFCO members said the farmers could have reason to be angry.

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**I THINK (PROTESTING FARMERS) HAVE A  
VALID POINT.**

**Hughson Mayor Matt Beekman**

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“LAFCO was told (in 2013) that Trinitas was in second position and would not get any water till everyone else was satisfied,” said County Supervisor Jim DeMartini, a farmer himself. “I don't think we would have passed it,” he added, if the panel had known that terms would be

changed.

“Those (farmers) raised some good issues,” agreed County Supervisor Terry Withrow, who was not on LAFCO in 2013, but is now. He asked that LAFCO staff get OID’s side of the story.

On the other hand, keeping water in this area is better than selling it to wealthy out-of-county buyers, as was OID’s practice before the drought, Beekman and DeMartini said.

The issue could become important because OID could approach LAFCO with more annexation requests in a few months. OID board approval, expected in June, to absorb 1,069 acres would prompt environmental studies and a formal request to LAFCO in the fall.

Beekman and DeMartini said LAFCO will pay extra attention to details of any such applications.

“It’s going to be a pretty hard sell, if they haven’t lived up to (terms of previous requests),” DeMartini said.

Also Wednesday, commissioners unanimously agreed to let Modesto extend a water pipe to a vacant parcel 500 feet north of the city limit, where Holy Family Catholic Church hopes to build a \$15 million complex in a few years. The site is northeast of Tully Road and Bangs Avenue.

“That’s better than having to drill a well, and the area will be annexed eventually,” DeMartini said.

**Garth Stapley: (209) 578-2390**

[contracostatimes.com](http://contracostatimes.com)

# Daniel Borenstein: Fire district of infamous pension-spiking chief faces \$79 million of retirement debt

By Daniel Borenstein, staff columnist © 2015 Bay Area News Group

Posted: 05/29/2015 04:00:00 PM PDT

Updated: a day ago



Moraga Orinda Fire District Fire Chief Pete Nowicki, 2006. (Contra Costa Times)

Six years after the Moraga Orinda Fire District drew national attention for its pension-spiking former chief, the agency continues to suffer a huge financial hangover from costly retirement benefits.

This is what happens when top administrators enjoy the same benefits they're supposed to oversee and elected board members are ignorant of the details, turn a blind eye for political expediency or even enable abuse. No one protects taxpayers.

Fortunately, four of the five district directors who helped former Chief Peter Nowicki spike his pension are gone. But one, tax attorney Fred Weil, remains as the district tries to dig out from under enormous debt.

In 1997, voters approved the district's formation to provide more cost-effective fire protection than they were receiving from the larger Contra Costa district. Now, less than two decades later, the Moraga Orinda district is buried in \$79 million of debt for underfunded pension and retiree health care programs.

For perspective, that's about 11 times the district's annual base payroll. It's 4.5 times the annual expenditures of the cities of Moraga and Orinda combined. It averages about \$6,600 for every district household.

The only thing keeping the district financially afloat is its large portion of property taxes. Of the base tax levy in Orinda, 23 percent goes to the fire district. For Moraga, it's 19 percent. Those are by far the highest rates for a fire district in the county, except for the tiny Kensington agency.

The debt results from promising costly retirement benefits and then failing to properly set aside money to fund them. Instead, future taxpayers will be stuck with the obligation, which, like a giant credit card bill, will be paid off through installment payments, some lasting for 25 years.

As a result, for every dollar the district spends on base salary, it now spends another \$1.14 to help pay down the debt and for new retirement benefits employees earn each year. Firefighters add another 26 cents out of each dollar of their base salary.

Those numbers are exorbitant. Traditional pension plans are great ideas, but only if the benefits are affordable and the plans are responsibly funded and managed.

This brings us to the importance of having managers who see beyond their pocketbooks. It brings us back to 2009, when Nowicki, then 50, retired after 27 years of service, including about three years as chief.

His base salary was \$194,000 a year. Under the fire district's and county retirement system's policies, his starting pension would have been \$201,000 annually.

But three days before Nowicki announced his retirement, fire district board members, knowing he planned to leave, approved changes to his contract enabling him to spike his pension an additional 20 percent, to \$241,000.

Today, after cost-of-living adjustments, his pension is about \$277,000 a year. Nowicki was the first of many public agency executives in Contra Costa whose heavily spiked pensions drew scrutiny.

Others included San Ramon Valley Fire Chief Craig Bowen, who swapped a \$221,000 salary for a \$284,000 starting pension; County Administrator John Cullen, who traded a \$245,000 salary for a \$240,000 starting pension; and Jim Kelly, general manager of the Central Sanitary District, who left a \$258,000 job for an annual pension the next day of \$270,000.

Pensions are calculated based in part on an employee's top salary and years of service. The spiking resulted from boosting one or both of those elements. The fire district has since changed its leave policies to reduce much, but not all, potential for pension abuse.

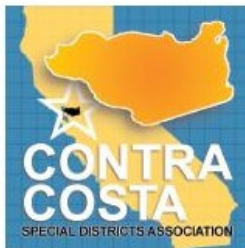
The problems were compounded by the county retirement system's misapplication of state law to include in pension calculations leave pay that should not have been counted.

Legislation in 2012 forced the system to start following past laws and court rulings. That legislation was upheld by a Contra Costa judge; the case awaits an appellate court hearing.

Meanwhile, the new state law mandates that the retirement system review pensions that might have been improperly inflated by final-year compensation adjustments. Those reviews are ongoing. Clearly, Nowicki should be high on the list.

As for Weil, the only remaining director from 2009, he has misled the public about Nowicki's last-minute contract change and ducked questions about his role. Voters should replace him in 2016.

Daniel Borenstein is a staff columnist and editorial writer. Reach him at 925-943-8248 or [dborenstein@bayareanewsgroup.com](mailto:dborenstein@bayareanewsgroup.com). Follow him at [Twitter.com/BorensteinDan](https://twitter.com/BorensteinDan).



## **Contra Costa Special Districts Association Newsletter**

**Contra Costa Chapter of the California Special Districts Association**

**Summer 2015**

**June 2015**

### **Is your district website in compliance with the new Law?**

Beginning January 1, 2015, a new law took effect that will require a local agency that maintains a website to update their website as follows: Provide a link to the State Controller's Officer public officials compensation online database ([publicpay.ca.gov](http://publicpay.ca.gov)); or Post the financial compensation data for the local agency's officials, as reported to the State Controller's Office, on the local agency website.

The new requirements were created by Assembly Bill 2040 (Garcia) and apply to special districts, cities, and counties. CSDA opposed earlier versions of the bill that would have required each local agency to create individual online databases, updated continuously, that included salary, benefits, and reimbursement information for elected officials, staff, and consultants.

### **California Special Districts Association Public Affairs Field Coordinator**

The Public Affairs Field Coordinator serves as CSDA's local liaison to special districts, key decision makers, the press and the public-at-large, providing a strategic link between CSDA's activities in the State Capitol and the local region/network.



Dane Walde introduced himself to the chapter at the April chapter meeting.

He provided the Legislative report. Dane is the Public Affairs Field Coordinator for the Northern California Region of CSDA.

The Public Affairs Field Coordinator reports to the Advocacy & Public Affairs Director

### **Los Medanos Community Healthcare District Recognized for Tobacco Prevention**

Los Medanos Community Healthcare District was awarded Outstanding Contribution to Tobacco Prevention in Contra Costa at the 30 Year Celebration of the Contra Costa Tobacco Prevention Coalition held in Pleasant Hill, California on January 26, 2015.

More than a dozen nonprofits, businesses, community groups, educators, and individuals were recognized and honored for their efforts towards tobacco prevention. The celebration concluded with a video presentation that highlighted 30 Years of Tobacco Prevention in Contra County from 1984 – present day. The video emphasized rallies, campaigns, council meetings, and adoption of ordinances and laws against smoking and secondhand smoke.

The award celebration recognized cities that adopted policies in the last 5 years and honored hardworking community members and organizations that advocated for stronger tobacco control policies in the County over the last 5 years.

### **CSDA Annual Conference & Exhibitor Showcase 9/21/2015 - 9/24/2015**

The CSDA Annual Conference & Exhibitor Showcase is the one conference special district Leaders can't afford to miss! It is the most densely packed educational and networking experience available to special districts. Come together with other special district leaders from across the state to meet with industry suppliers, hear from the best in special district-specific topics with over thirty breakout session options, network with your peers and more at the leadership conference for special districts. The conference will be in Monterey at the: Marriott Monterey  
350 Calle Principal  
Monterey, CA 93940

## **CSDA Webinars**

CSDA has a variety of webinars full of information for board members and staff, \$69 for CSDA members, \$99 for non-members.

**Webinar: Harassment Prevention Training - AB 1825** Presenter: Williams & Sorensen LLP Receive your AB 1825 compliance training for special districts with this webinar. AB 1825 makes sexual harassment prevention training mandatory for supervisory employees of special districts and other organizations. This legislation requires employers to ensure that all managers/supervisory employees receive at least two hours of sexual harassment prevention training every two years. 10:00 am - 12:00 pm on 6/10/2015

**Webinar: Managing Personal Device Use: Data Theft, Hacking** Today agencies are faced with employees increasingly using their personal technology for work purposes. This can create serious problems when Public Records Act requests require these devices to be searched. Additionally, there is an increased security risk from data theft, hacking and virus infiltration. These issues can be disastrous and costly. Proper policies must be in place to assist the agency in dealing with allegations that staff, or others have used technology to hack the network, view pornography, engage in harassment, or otherwise act inappropriately. This session will provide an overview of various issues that impact technology use for public agencies, such as privacy rights, search and seizure, first amendment rights, e-discovery, open meetings laws and public records requirements. Participants will learn legal requirements and best practices for responding to these technology related issues. 10:00 am - 12:00 pm on 6/18/2015

**Webinar: Legislative Round-Up** Presenters: CSDA Advocacy & Public Affairs Department. Each year the State Legislature introduces thousands of bills; hundreds have potentially serious implications for special districts. Hear from CSDA's advocacy team about the most significant bills and how they will impact your ability to deliver core services, maintain and build infrastructure, raise and protect revenue sources, manage personnel and more. Ask your questions directly to CSDA's lobbyists walking the Capitol halls and learn how your district can join the advocacy effort. 10:00 am - 12:30 pm on 7/30/2015 **Free to CSDA Members**

**Webinar: Maximize Your CSDA Membership - Website Resources** Presenter: CSDA Member Services As a CSDA member, you have an array of resources at your fingertips. From sample policies to job postings to downloadable publications and more, you can find it on the CSDA website. This demo will take you step by step through all the online resources we have to offer. 10:00 am - 11:00 am on 8/6/2015  
**There is no fee for this webinar**

### **Webinar: Board Member & District Liability Issues**

Presenter: Dennis Timoney, Special District Risk Management Authority Having a complete understanding of the potential liability issues in your district can prevent problems in the future and even assist with efficiency and communication protocols. This webinar is a discussion of the legal role of the Board in the management and operation of a public agency and the role of individual Board members acting within the course and scope of their official duties. 10:00 - 11:30 a.m. on 8/12/2015

### **Webinar: Understanding the Brown Act: Beyond the Basics**

Presenter: Thomas Jexl, Burke Williams & Sorenson Agency staff and officials familiar with the Brown Act recognize that while the principle of open meetings initially seems simple, the application of the law can prove to be quite complex. This webinar provides advanced training for California's open meeting law. This interactive session will cover some of the more complex aspects of the Brown Act: from serial meetings, to open and closed session agenda and reporting out requirements, to teleconferencing, email and social media considerations. Participants will work through hypotheticals to apply their knowledge of the law. Common mistakes made under the Brown Act and practical tips to avoid violations will also be covered. 10:00 am - 12:00 pm on 8/20/2015

**Webinar: The Power of Alliance** Presenter: CSDA Member Services Have you heard about the California Special District Alliance? This partnership between CSDA, the CSDA Finance Corporation and SDRMA provides the services and resources you need to run your agency effectively and efficiently. Learn more about the risk management services, financing options and other exclusive benefits available to CSDA members through the Alliance partners. 10:00 am - 11:00 am on 10/2/2015 **There is no fee for this webinar**

### **Webinar: Best Practices-Managing Special District Investments**

Presenters: Lyle Defenbaugh, Wells Capital Management/CalTRUST Special Districts are challenged with meeting constituents' need to earn higher yields without taking on excess liquidity risk or risk to principal preservation. In this difficult rate environment many investors are choosing to avoid markets entirely, maintaining significant balances in deposit accounts. We will discuss cash balance forecasting, the investment process, how to implement investment strategies, California Government Code Section 53601, where professional money managers are finding value, updates on Agency issuance, and how to invest in a rising rate environment. 10:00 am - 12:00 pm on 11/10/2015

**Visit CSDA at <http://www.csdanet.org>**



## PLEASANT HILL COMMUNITY CENTER WINS AWARD

Pleasant Hill Recreation & Park District (PHRPD) Community Center received the 2014 Award of Excellence for Outstanding Facility by the California Park & Recreation Society (CPRS). This year marks the second straight year that the District has garnered an award for facility excellence by CPRS. The new Senior Center won the same award for 2013. The CPRS's Awards Program recognizes the outstanding achievements of agencies and individuals on a statewide level in the areas of community improvements and programming, facility design and park planning, marketing and communications and professional and citizen leadership.

"After the long journey to make our new Community Center a reality, receiving the CPRS awards is the frosting on the cake," said Bob Berggren, General Manager, PHRPD. "This award is much more than recognition of an excellent building design. It represents the culmination of incredible collaboration efforts between our District Board of Directors, our dedicated staff, the Dahlin Architecture Group, DL Falk Construction and the entire Pleasant Hill community."

Following the passage of Measure E in 2009, The PHRPD, in collaboration with community partners, met the challenge to fund and construct a new elegant and highly functional Community Center. Upon its completion in January 2014, the new Community Center continued the legacy of its predecessor by providing a central place for the community to come together, socialize and engage in enrichment programs, recreational activities and special events.



**Henry Perezalonso, CPRS Region 1 Representative formally presenting the CPRS state award to Sandra Bonato, Board Chair at the March 26th Board of Director meeting.**

The CPRS Outstanding Facility award recognizes excellence in design of completed aquatic, recreation and/or cultural facilities intended for public use. The project may be either new construction or a rehabilitation project that demonstrates high standards of planning, design, community involvement, operation and maintenance, quality of aesthetics, usability, and accessibility and versatility. The award recognizes design and construction or significant rehabilitation of buildings, structures and facilities used primarily to support park and recreation purposes.

## CSDA and Other Local Government Associations Partner with Institute for Local Government

The Institute for Local Government (ILG) is the research and education affiliate of the California Special Districts Association, the League of California Cities and the California State Association of Counties.

ILG is a non-profit dedicated to promoting good government at the local level. Its program areas include: collaboration and partnerships, ethics and transparency, local government basics, public engagement and sustainable communities.

ILG supports California's local governments as they work to establish and implement good governance policies and practices to better serve their communities. We conduct research and provide education through technical assistance, trainings, webinars and online and print resources in an effort to: foster ethical, transparent local governments; create active and engaged communities; and ensure elected officials have the tools they need to make informed, ethical decisions.

2015 marks ILG's 60th anniversary. The new partnership with CSDA and ILG is one great way to mark this milestone and continue supporting all of California's local governments.

## Urban Farm Kickoff Event in Martinez

Non-profit AgLantis (510c-3) celebrated a free urban farm kickoff party on Friday, May 8, 2015. The farm is on Central Contra Costa Sanitary District land directly across from 5501 Imhoff Drive, Martinez, (the farm does not have its own street address yet). Congressman Mark DeSaulnier and Assemblywoman Susan Bonilla supporters of this urban farm for many years attended the event to discuss the drought and recycled water along with other local elected leaders. Bethallyn Black, the farm's organic farmer, Master Gardeners, Beekeepers, and local farmers attended the event.

Many Contra Costa County gardeners, farmers, and residents gathered to learn about this sustainable urban farm and high tech greenhouse that will be created on 14.8 acres of Central San buffer land, using recycled water.





## Send Photos from Your District to CSDA!

The California Special Districts Association (CSDA) would like to highlight photos from our districts in the California Special District magazine! Send them interesting photos of your district sites and facilities, from events you have held, or of activities in which you take part. Any photos that make your district stand out - they want!



Send your digital photos to Nicole Dunn, email: (nicoled@csla.net) editor and you could see them in an upcoming issue of California Special District!

## California Special Districts Association District NetWorks FAQ

### What is District NetWorks?

District NetWorks is an initiative designed by local special district leaders to connect special districts across California.

The heart of District NetWorks consists of district leaders inspiring and catalyzing action and collaboration in their own communities. District NetWorks helps special districts across the state connect and take action on local and statewide issues.

### Why is it important?

District NetWorks facilitates several strategic goals. First, it maximizes CSDA's advocacy and outreach potential. Second, it increases CSDA's member and non-member outreach. Third, it helps promote public awareness of special districts and provide unified messaging.

### How does it work?

CSDA's Board of Directors is elected from six networks or regions within California. Each network is represented by three delegates (CSDA Board Members). Each delegate is assigned his/her own service area within his/her network. The goal of District NetWorks is to facilitate direct, peer-to-peer contact. With personal knowledge of local issues and challenges, each delegate can help deliver CSDA information and resources, such as membership

services, professional development opportunities and crucial advocacy information.

### What are the benefits?

There are two levels of benefits of District NetWorks. There are direct, short-term benefits and long-term benefits. The immediate benefits include:

- Direct contact with local special districts;
- Knowledge of local issues;
- Peer-to-peer collaboration;
- Grassroots action on statewide issues;
- Effective delivery of CSDA resources;
- Unified special district voice.

### The long-term benefits include:

- Greater influence over key policy issues;
- Growth in CSDA membership;
- Increased public awareness of special districts.

### When did District NetWorks debut?

District NetWorks debuted in April 2014. We encourage you to get to know your delegate better and keep him or her updated on local opportunities to connect.

### What do network delegates do?

A network delegate serves as CSDA's local liaison to special districts, key decision-makers, and the public-at-large, providing a strategic link between CSDA's activities in the State Capitol and their local area. It's not always easy for network representatives to get to Sacramento or to facilitate effective communication from their agency to the Capitol. The network delegate can help make sure districts are up-to-date on key issues and ensure each agency's voice is heard.

## CCSDA Elects Two New Officers

At the April 20th chapter meeting Stanley Caldwell was elected to fill the vacancy of Vice President, and Mike McGill was elected to the Member at Large position. They will serve until the annual election of officers in January 2016.

## CCSDA Dues

Dues invoices will be sent out soon to those districts that have not prepaid their dues for 2015-2016. For those of you that have paid your dues for Fiscal Year 2015-2016 thank you. If you have not please watch your mailboxes for the dues invoice.

## **Associate Member - Bold, Polisner, Maddow, Nelson & Judson**

Bold, Polisner, Maddow, Nelson & Judson is a professional law firm that specializes in representing public agencies.

The firm provides counseling on public finance and conflict of interest matters, as well as providing advice on water and environmental matters to public and private clients alike.

The firm also maintains a general civil practice, representing a wide variety of individuals and business entities in transactional and litigation matters. The firm also provides comprehensive estate planning services, including probate and trust litigation.

Bold, Polisner, Maddow, Nelson & Judson  
500 Ygnacio Valley Road, Suite 325  
Walnut Creek, CA 94596  
Office Tel: (925) 933-7777

## **Associate Member - Central Contra Costa Solid Waste Authority dba RecycleSmart**

The Central Contra Costa Solid Waste Authority dba Recycle Smart is dedicated to developing and delivering high quality, cost effective solid waste reduction, recycling, and refuse programs that provide and promote sustainability in our communities. Recycle Smart provides solid waste services for Central Contra Costa County residents and businesses. Recycle Smart has contracted with Republic Services for the collection, transfer and disposal of residential and commercial garbage, recycling and organics and Mt. Diablo Recycling for the processing of residential and commercial recyclable materials. Recycle Smart services 64,000 homes per week with a population base of approximately 200,000 and recycled 63% of the communities waste away from the landfill.



Central Contra Costa Solid Waste Authority  
Recycle Smart  
1850 Mt Diablo Blvd # 320,  
Walnut Creek, CA 94596  
(925) 906-1801  
<http://www.recyclesmart.org/>

## **East Contra Costa Resource Recovery Hosts Japanese Clean Energy Delegation**

Delta Diablo Sanitation District was proud to host a delegation of 10 business and government representatives from Japan on April 8, 2015. Travelling around the United States under the auspices of the U.S. Department of State International Visitor Leadership Program, discussions centered on the collaborative efforts between local governments to generate reliable, renewable, and sustainable energy.

The objective of the delegation's visit to the San Francisco Bay Area was to engage on clean energy at the local level by bringing forward looking and influential prefectural, municipal, private sector, and non-governmental organization representatives together with counterparts to see and learn firsthand how local communities and state governments have implemented green energy policies.

This help to further the objectives of the Tohoku Green Communities Alliance established by President Obama and Prime Minister Noda in 2012. Particular focus of the meeting with Delta Diablo executives, including Board Member and Pittsburg Mayor, Pete Longmire, were discussions on their lead agency role with the Bay Area Biosolids to Energy Coalition who is spearheading resource recovery collaboration efforts to convert biosolids to energy on a regional scale involving 19 public agencies which represent four million residents.

## **CSDA Bay Area Network Board Member Appointment**

At the April 17, 2015 CSDA board of director's meeting Shane McAfee was appointed to fill the remainder of the term for the Bay Area Network CSDA Board Seat A. The term ends December 31, 2015.



Shane McAfee is the General Manager for the Greater Vallejo Recreation District. He has also served in other capacities within the community such as board member for the Chamber of Commerce and the Vallejo Convention and Visitors Bureau. He is also the Immediate Past President for the Vallejo Rotary Club.

## Assemblyman Katcho Achadjian Honored as Legislator of the Year by the California special districts

CSDA named Assemblymember Katcho Achadjian its Legislator of the Year and President Steve Perez presented him with the award at CSDA Legislative Days May 20, 2015.



*Assembly Member Achadjian has clearly demonstrated his knowledge and respect of the special district governance*

Katcho Achadjian was selected because of his non-partisan spirit, support of local control, and close work with the local service specialists responsible for delivering water, fire protection, parks, healthcare and other essential services, according to a press release from the California Special Districts Association (CSDA).

CSDA and special districts across the state invite state legislative representatives and the public to get to know their special district leaders.

## July 20, 2015 Chapter Meeting

The San Ramon Fire Protection District will be our program for July 20th.

The program will show how to use the Automated External Defibrillator devices that are present in many public buildings and in many buildings of Special Districts. These devices are truly remarkable! Their use increases the success rate of saving lives from below 10% to over 60%! We'll have a demonstration of the device and how to use it. Each of us will also have hands-on instruction on how to do compressions for CPR correctly using a simulation dummy - a truly audience participation program. I'm sure that each of us will come out of the meeting better prepared to save a life, should the opportunity arise.

## George H. Schmidt, West County Wastewater District Board Member

George H. Schmidt, a longtime member and former president of the West County Wastewater District's Board of Directors, died recently from complications due to cancer.



**George Schmidt**

**Nov. 3, 1929 - May 6, 2015**

**George served Contra Costa Special Districts as the LAFCO Alternate member.**

Schmidt, 85, was a retired PG&E executive and had been a District board member since 1992. He served on numerous committees through his tenure, and as Board president, he helped shape the District's current Strategic Master Plan, which runs through 2017, and the industry recognized District-wide Master Plan, which runs through 2034.

"George was an integral part of this organization and his many contributions over the past 23 years have been vital to the evolution of the District's business operations and its focus on delivering the best customer service possible to its diverse communities," said E.J. Shalaby, WCWD general manager. "He will be sorely missed."

A rosary and funeral mass was held on Tuesday, May 12, at St. Joseph Catholic Church, Pinole.

A donation was made on behalf of Director Schmidt to the Friends of the El Sobrante Library in lieu of flowers by Contra Costa Special Districts Association.

## INDEPENDENT SPECIAL DISTRICT SELECTION COMMITTEE CONTRA COSTA COUNTY

On May 8th, LAFCO staff sent out a notice informing special districts of George's passing and that LAFCO staff will conduct an election in conjunction with the July 20, 2015 CCSDA meeting.

Through the LAFCO election process special districts will be selecting one Special District Member (Alternate seat) to fill the unexpired term of office on LAFCO to May 2018

## **EBRPD Recognized for Communications Excellence**

The California Association of Public Information Officials (CAPIO) Award of Excellence Winners Announced in Long Beach at April 15 Awards Gala During a beautiful evening at the Long Beach Aquarium of the Pacific, the best of the best in public communications programs were awarded during the Awards Gala on Wednesday, April 15.

Each year the statewide organization receives entries in the categories of communication and marketing campaigns, newsletter production, new media, photography, special events, writing, website development, video production and innovative programs.

"The CAPIO Excellence in Communications Awards just gets better and better each year. We had over 140 entries this year and the work was exceptional," said Scot Crocker, 2014 -2015 CAPIO Awards Chair. "We love giving these awards, but even more important, the real achievement is the work of PIOs and government communicators who work tirelessly to keep the public educated, informed and connected."

The East Bay Regional Park District was recognized with an Award of Excellence for Marketing Communications, for the anniversary campaign, "80 Years of Connecting Parks to People."

## **Message from Chair Bette Boatmun**

We all are well aware that California is in the fourth year of drought. Governor Brown has declared a state wide emergency and has prompted state agencies to issue mandatory restrictions and conservation for water goals. Local water agencies in the area have prepared for drought conditions but must also meet the state requirements.

The state's mandatory conservation goals include nine tiers ranging from 4% to 32%.

In Contra Costa County alone there are five tiers. A bit confusing! Bottom line is we need to conserve water. We don't know when this drought will end but water saved now will be available for the future.

It is essential that Special Districts do as much as possible to save water and to let the public know that you are doing it.

## **CONTRA COSTA LAFCO UPDATE**

In July, LAFCO will host an Agricultural & Open Space Preservation Workshop. The purpose of the workshop is to engage stakeholders in the development of a local agricultural and open space preservation policy to be used by LAFCO to help guide its decisions when considering a proposal that would impact agricultural and/or open space lands. As part of the workshop, we will hear from a range of speakers representing agriculture, open space, homebuilding and economic development interests. The speaker lineup includes representatives from the American Farmland Trust, Brentwood Agriculture Land Trust, East Bay Regional Park District, Contra Costa County Agricultural Commissioner, Contra Costa County Department of Conservation & Development, County Farm Bureau and farming community, California Rangeland Trust, Greenbelt Alliance, Save Mt. Diablo, Sierra Club, Building Industry Association, East Bay Leadership Council, Contra Costa Economic Partnership, and Contra Costa Association of Realtors. The workshop will be held on July 8, 2015 from 1:00 to 5:00 pm at the Contra Costa County Department of Conservation & Development Hearing Room - 30 Muir Road, in Martinez

LAFCO recently announced a vacant special district alternate seat on Contra Costa LAFCO created by the recent passing of George Schmidt. We are seeking nominations to fill the unexpired term on LAFCO ending May 7, 2018. Nominations for the vacancy must be submitted to the LAFCO office by June 26, 2015. The election will be held on July 20, 2015, in conjunction with the Contra Costa Special Districts Association meeting.

LAFCO is currently working on its 2nd round Municipal Service Review (MSR) covering reclamation districts. The Public Review Draft report is expected to be released in July 2015.

In the fall, LAFCO will embark on its 2nd round MSR EMS/Fire services. A Request for Proposals to assist in preparing the MSR will be released later this summer.

## **CCSDA Associate Members**

Organizations and businesses that are not independent special districts can also participate in CCSDA as Associate Members. Associate Members will receive invitations to meetings and other CCSDA activities. They will be featured in the newsletters; and will be listed on the CCSDA webpage. It will be a great way for them to stay up-to-date on local governance issues and engage directly with special districts.





**Send your District News and Press Releases!**

Please send your district news releases to Stan Caldwell at [stan\\_caldwell@comcast.net](mailto:stan_caldwell@comcast.net) and keep us informed on all of the exciting things your special district is up to. We welcome your news contributions to our newsletter.

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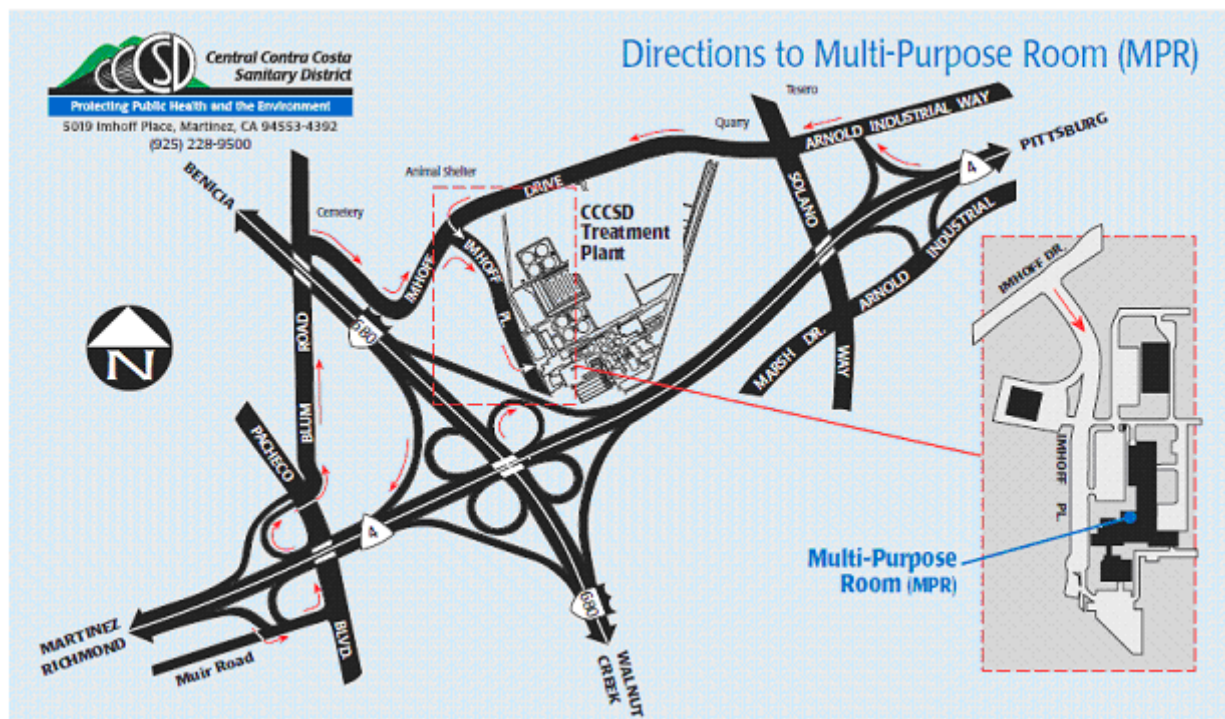
**Mark your calendars with our future Chapter Meeting Dates:**

**• July 20, 2015 • October 19, 2015 • January 25, 2016**

**Meetings begin at 10:00 AM – we are usually out by Noon**

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**We meet at Central Contra Costa Sanitary District,  
5019 Imhoff Place, Martinez, CA.**



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**Contra Costa Special Districts Association**

**C/o Central Contra Costa Sanitary District  
5019 Imhoff Place  
Martinez, CA 94553**

Central Contra Costa Sanitary District contact Suzette Crayton Email: [scrayton@centralsan.org](mailto:scrayton@centralsan.org)  
Bette Boatmun, Chair - Email: [bboatmun@yahoo.com](mailto:bboatmun@yahoo.com)  
Stanley Caldwell, Vice Chair & Newsletter Editor - Email: [stan\\_caldwell@comcast.net](mailto:stan_caldwell@comcast.net)  
Member at Large, Michael McGill, - Email: [Mcgill@mms-inc.net](mailto:Mcgill@mms-inc.net)  
Treasurer Bert Michalczyk - Email: [michalczyk@dsrsd.com](mailto:michalczyk@dsrsd.com)

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## MOFD to Consider Enhanced Service

*By Nick Marnell*

How to adjust - thanks to its vastly improved financial situation - is the latest challenge facing the Moraga-Orinda Fire District.

Administrative services director Gloriann Sasser presented the district's long-range financial plan to the MOFD board at its May 20 meeting. The document showed a general fund balance that exceeds 10 percent of budgeted revenue by 2019 and total revenue exceeding expenditures in each year of the 15-year plan. Though the projections called for the payoff of the \$22 million remaining on its pension obligation bond, not reported were the district's \$17 million in unfunded retiree health benefits or an estimated \$40 million in unfunded pension costs. Increased property tax revenue, a district-friendly labor contract and lower employee retirement costs contributed to the rosy forecast, which Sasser said projects to a \$100 million surplus in 15 years.

Director Fred Weil then threw down the yellow caution flag.

"I am uncomfortable that we are more focused on saving money than we are on how we are going to provide long-term service in this district," said Weil. "Critics say save money, return money to the taxpayers. But I've never heard of a movement in the district to cut services." Weil pointed out that, with the reduction in daily staffing from 19 to 17 firefighters and the closure of Contra Costa County Fire Protection District station 16, five fewer firefighters serve the area of north Orinda and western Lafayette. "Our financial position is improving," he said. "But will this service model be adequate?"

Fire chief Stephen Healy said that he has put together the framework of a strategic plan for the district, but that a decision on station 46 - a joint venture with ConFire to replace MOFD station 43 and ConFire station 16 - must be reached before he can continue. He said that by late this year or early next he plans to update the district standards of coverage, an operational plan defining levels of service.

"There are many competing interests for this money," said the chief. He noted the need for a competitive compensation package to hire and retain firefighters and for additional funds to beef up the fire prevention division, plus the demand for more ambulance coverage - in short, most of the things he could not do because of the recession. Those inactions ultimately helped the district stay afloat.

One of the competing interests staked claim to the fund surplus. "They asked us for a sacrifice based on projections, and now they see that the numbers were off," said Vince Wells, president, Local 1230 of the firefighters' union. "We'd like to see the firefighters paid comparably to other agencies. Maybe restore the salaries they took from us." MOFD firefighters agreed to a 3.5 percent pay cut in 2014, but have the opportunity to earn up to 16 percent more over the next three years. Wells advocated for not only a staffing bump to 19 but also an increase in the number of daily on-duty firefighters to 21. "If they have the money, they should staff another ambulance," he said. Orinda resident and MOFD watchdog Steve Cohn suggested that the district set specific goals for the use of the excess funds. "There is a lot of money on the table," he wrote in a letter to the board. "Hopefully you will not follow the path of the past 15 years and give it all to a few employees with no expanded service for the taxpayers."

"Service is what we should be all about," said Weil.

"I also have to be concerned about the district's sustainability," cautioned Healy, sounding not unlike Gov. Jerry Brown, who has preached fiscal restraint despite a surplus in the California state budget. "We are not in the business of hoarding the public's money," said the chief. "But we can't provide service if we're bankrupt."

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## ConFire County Ambulance Proposal on the Table

*By Nick Marnell*

The Contra Costa County Fire Protection District and American Medical Response submitted its joint proposal May 21 to Contra Costa County Health Services to acquire the available county ambulance contract beginning in 2016. ConFire chose AMR, the current county ambulance provider, as its partner in order to leverage their combined resources and experience in the emergency medical services industry. Contra Costa County Fire and EMS, together with AMR - known as the Alliance - submitted the only proposal to the county.

"I can't say we were surprised or not surprised," said Jesse Allured, county EMS program coordinator, of the sole submission. "We knew the response would be limited, based on what we saw at the bidders' conference." Besides ConFire and AMR, only two private ambulance companies attended that March conference.

Dale Feldhauser, chief operating officer of Paramedics Plus, a San Leandro EMS systems management organization, explained why his company did not bid on the contract. "The finances of the ambulance business have changed considerably," he said. "A partnership with a public entity is the only way to go now." Medi-Cal, a government health coverage provider, reimburses pennies on the dollar for ambulance transport, and through the federal ground emergency medical transport program, a public ambulance provider receives additional money to offset the losses incurred as a result of the low payment. "The federal money does not fully reimburse the lost revenue caused by the low reimbursement, but it is better than what a private ambulance transport system can currently collect," said ConFire chief Jeff Carman.

Feldhauser said that his company did not respond to ConFire's earlier request seeking a private ambulance partner. "I thought AMR was best for that system, and I wish them the best of luck," he said. "I think AMR will make this work."

Gary Tennyson, chief executive officer of Falck Northern California, a division of one of the world's largest healthcare organizations and a bidders' conference attendee, did not respond as to why his company did not submit a proposal to the county.

The document submitted by the Alliance lays out particulars of its experience, financial stability, available resources and commitment to the community. The 180-page presentation includes such minute details as how often ambulances will undergo an oil change (every 5,000 miles, page 114) and the size of the logos on the sides of the ambulances (4-inch letters, minimum, page 104).

Financial information was not publicized. "We don't want to have this information used for the wrong reasons, possibly by a competitor," said Allured. Citygate Associates LLC, a public sector consultant, will vet the financials to make sure that the proposed venture is realistic and sustainable.

"While we haven't won the bid yet, we are almost there," said Carman. The Board of Supervisors expects to award the contract this fall.

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## Local Fire Services Prep for Wildland Fire Season

*By Cathy Dausman*



Local fire services personnel gathered as part of a multi-agency mutual response area drill. Photo Cathy Dausman

adjacent to Orinda.

Firefighters sweated in low 50-degree temperatures as they attacked the "fire" in two teams clothed in full protective gear while toting 40-pound backpacks and hauling 100-foot lengths of hose and hand tools. Non-fire related hazards included working in an area known for the presence of poison oak, ticks and rattlesnakes.

One team approached from the south; a second climbed a parallel route to attack the fire from the north. No one climbed the line empty handed.

Rein shakes his head when he hears people reassure each other with "don't worry; it's just a grass fire." He knows the cost each agency bears when it has to spread remaining crews thin and make do without equipment used on the call. He knows when an incident commander calls for air support it comes in as two helicopters, two fixed-wing aircraft and a fifth plane flying air tactical supervision.

Support like that doesn't come cheap. It's never "just a grass fire."

It might have seemed like a walk in the park for the Moraga-Orinda Fire District and a host of other agencies participating in a series of recent multi-agency mutual response area drills in preparation for the 2015 wildland fire season. After all, it was daylight, temperatures were moderate, access was via paved public roads, manpower was rested and plentiful and, best of all, it was just a drill. But this was serious business, and it takes "a lot of resources to get the hose up there," Berkeley Fire Department Captain Tim MacIsaac explained.

"There" was a 3,000-foot hillside, with hoses laid out in 100-foot increments. Fire crews from Berkeley, Oakland, MOFD, Kensington, and East Bay Regional Parks were on hand the morning Lamorinda Weekly accompanied MOFD's Dennis Rein to the site.

MOFD sent a total of three different crews to each drill to battle an imaginary one-acre hillside grass fire along East Bay Regional Park's west slope

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