

# San Bernardino fire services outsourcing plan recommends county fire

By [Ryan Hagen](#), The Sun

Posted: 08/11/15, 8:19 PM PDT | Updated: 12 hrs ago

SAN BERNARDINO >> The City Council will get a report Wednesday supporting a plan to outsource fire services to the San Bernardino County Fire Department, City Manager Allen Parker said Tuesday.

The City Council is set to vote on the plan — one of three options presented to the city — at a special meeting on Aug. 24.

The proposal from county fire would save the city \$7 million while providing increased fire and emergency response, Parker said, and would add nearly another \$8 million to the city's general fund through a possible \$139-per-parcel fee on residents.

That fee is not vital, Parker said, but the plan would involve an annexation process, which the city must initiate with the Local Agency Formation Commission for San Bernardino County by the first week of September in order to complete by 2016.

“The county would annex us to a district, so we would have to give up control of our Fire Department,” Parker said.

But, he said, it would be worth it, resulting in both cost savings that the city counts on to exit bankruptcy and faster emergency response times.

“We wouldn't be going down this road if we didn't think it would improve service,” Parker said. “They would close one additional (fire) station, but they'd supplement that with one of theirs. The number, I think, would go from 38 to 41 (firefighters) on duty at a given time.”

The report was developed by Citygate Associates, a consultant that has [studied the city's Fire Department](#) before, without input from the department's battalion chiefs.

That breaks a promise Parker made to the seven top-ranked Fire Department employees, who form a union called the Fire Management Association, that group's president said in an email to Parker.

“On multiple occasions, you assured the FMA of your commitment to include us in this process,” Battalion Chief Michael Bilheimer wrote. “Yet as of (Monday), we have been excluded from every step. It gravely concerns me that you have independently elected to draft a Request

for Proposal, retained a consultant to review those proposals, barred us from reviewing the proposals, and are preparing to take action without ever having consulted with the leadership of the Fire Department.”

Parker wrote in response that he would meet with fire management this week, once the City Council had gotten a final copy of the report.

He said that Bilheimer’s perception that they were promised involvement but then shut out was “probably” accurate, but that fire leaders’ opposition has been clear from the beginning.

“They don’t like it because the county won’t accept anyone above the rank of captain, so they’d get demoted,” Parker said.

Sure, they have something to lose, Bilheimer said Tuesday — like everyone.

“We have a lot to lose, fire labor has a lot to lose, the community would have a lot to lose,” he said. “I don’t think this is the best option for anybody. I don’t think it’s self-serving on anybody’s part (to oppose the outsourcing).”

Fire management has remained mostly out of the political fray for the past several years, but Bilheimer ended that Monday night by emailing to various community members a one-page “fact sheet” opposing outsourcing.

The sheet points, among other things, to the extra \$139 that would be charged to the owners of each of the city’s 56,000 parcels.

“That’s a tax, even if they don’t call it a tax,” Bilheimer said, asking residents to call their City Council member to oppose the outsourcing move.

County fire was one of three groups to respond to the city’s request for proposals to provide fire services. One of those proposals came from the city’s own Fire Department, while another came from a private firm called Centerra.

Centerra’s proposal would have saved even more money, according to Parker, but it’s not recommended because neighboring agencies said they would not share resources with a private firm.

# Antioch eyes desalination system to increase water supply

By Rowena Coetsee [rcoetsee@bayareanewsgroup.com](mailto:rcoetsee@bayareanewsgroup.com)

Posted: 08/12/2015 09:42:07 AM PDT Updated: about 17 hours ago



Filter tanks and basins can be seen at the water treatment plant in Antioch. City officials now are considering increasing Antioch's water supply with a desalination system that would be added to this plant. (Susan Tripp Pollard/Bay Area News Group)

ANTIOCH -- Saddled with mandatory water conservation measures and no relief from the drought in sight, city officials here now are considering increasing Antioch's water supply with a desalination system.

The City Council on Tuesday unanimously approved a \$100,000 contract with a consulting firm that, over the next five or so months, will explore the feasibility of treating brackish water pumped from the San Joaquin River.

"Water is the new oil these days," said Lou Carella of Corollo Engineers, which specializes in the design of water treatment facilities.

As the volume of fresh mountain water flowing into the Delta has decreased, the concentration of salt in the river has risen.

The city historically has relied on Contra Costa Water District to supplement its supply because, even though Antioch enjoys the long-held right to pump what it needs from the San Joaquin River without a state permit, the salinity of that water changes constantly, Public Works Director Ron Bernal said following the meeting.



Steve Callahan, an operator at the Antioch water treatment plant, demonstrates how to perform a chloride titration test to determine the chloride level in water. (Susan Tripp Pollard/Bay Area News Group)

The city's existing treatment plants aren't equipped to handle the current high chloride levels, so Antioch became totally reliant on CCWD's costlier stores of raw water earlier this year.

Regaining a measure of independence by adopting desalination technology would require building a third treatment plant -- a project that would run into the tens of millions -- which the city would use whenever it needed to remove salts from the Delta to boost its supply of potable water, Bernal said.

The approach would afford the city the chance to pump from the river year-round, he added.

A desalination facility wouldn't completely eliminate Antioch's dependence on CCWD, however.

Residents' demand for water in hot weather has been known to far exceed 16 million gallons per day, the most the city's pump on the river can handle, Bernal said.

He noted that this summer is shaping up to be very different, however: Whereas the state requires the city to curtail its water use by 28 percent, Antioch actually has seen consumption drop by 36 percent since June 1 as compared with the same period in 2013, Bernal said.

Antioch's tentative step toward the use of desalination isn't unique: CCWD has been studying the idea along with four other water distributors since 2003.

The group shifted its focus this spring only after learning that the next step in the process -- doing an environmental impact report and a water rights analysis -- came with an estimated \$6 million price tag.

The group, now eight members strong, hasn't tabled the idea of desalination, but it's started considering other ways of ensuring that the region has a reliable supply of high-quality water.

As for Antioch, the city began exploring desalination as an option a little over a year ago by scouting potential sites for a plant and analyzing potential effects on the environment.

If council members ultimately decide the project is a go, the engineering firm would help the city apply for a low-interest loan and grant from the state.

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

**NEWS**

**AUGUST 13, 2015**

# Mayors appoint Oakdale's Tom Dunlop to LAFCO

## HIGHLIGHTS

Hughson Mayor Matt Beekman's farmland preservation vote put him at odds with other mayors

Dunlop's career is steeped in agriculture

Waterford Mayor Mike Van Winkle, also joining LAFCO, rankles some with inquiry on suppressing public comment

BY GARTH STAPLEY  
[gstapley@modbee.com](mailto:gstapley@modbee.com)

Mayors throughout Stanislaus County on Wednesday selected Oakdale City Councilman Tom Dunlop to represent cities on the Local Agency Formation Commission. He replaces Hughson Mayor Matt Beekman, whose controversial ouster in July from the growth-guiding panel provoked outcry.

Dunlop, a 10-year veteran of Oakdale government currently serving as vice mayor, said he's well aware of LAFCO's recent politically charged atmosphere. His mayor, Pat Paul, asked him to consider an appointment and he agreed, he said.

"I don't get into the minutiae of who's fighting

with who," Dunlop said. "I just want to make decisions so things go better between all the agencies in the county. I'm willing to look at all the facts and make a judgment call."

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**IF WE ALL (AVOIDED POLITICAL  
MINEFIELDS), I GUESS NO GOOD  
DECISIONS WOULD BE MADE.**

Tom Dunlop, city councilman, Oakdale

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A 5-4 majority of mayors removed Beekman from LAFCO last month for voting in March in favor of a policy change addressing farmland preservation. The vote adopted a formula for valuing fees paid to preserve farmland elsewhere when a city sacrifices farmland for growth; LAFCOs rule on cities' annexation requests.

The issue became a rallying point for people supporting agriculture and Beekman, who has extensive experience in statewide LAFCO governance and who defended his March vote to the end.

"Builders don't want someone who is pro-ag preservation on LAFCOs" throughout California, Beekman said Thursday. "They want LAFCOs to be pro-builder. It's not a big mystery."

Earlier this year, the mayors chose Beekman as chairman of the committee that last month removed him from LAFCO. On Wednesday, he continued to preside and cast the only dissent

in a 7-1 vote appointing Dunlop; Turlock Mayor Gary Soiseth was absent.

Dunlop did not attend Wednesday, saying, "I was not there to lobby for myself."

"I'm not new to the game," Dunlop continued.

"I think they were looking for someone with experience. (The suggestion that I'm) not in favor of farmland preservation is an absolute lie. My whole life has been in ag: I run a feedlot in Oakdale and I have other partnerships in ag. Farming and ranching is my whole income and I've never been opposed to that."

Also on a 7-1 vote, with Beekman dissenting, the majority on Wednesday appointed Waterford Mayor Mike Van Winkle as cities' alternate member on LAFCO, replacing Riverbank Mayor Richard O'Brien. Alternates vote in the absence of regular voting members.

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## **THE PUBLIC DEFINITELY GOT THE SHAFT.**

Matt Beekman, mayor, Hughson

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O'Brien said he asked to step aside to avoid creating a problem if he and his nephew, County Supervisor Bill O'Brien, were to be confronted with a potential work-related conflict of interest. Bill O'Brien is the county's alternate member on LAFCO and both men work for the same family-owned grocery business.

Richard O'Brien said he's sensitive to such

conflicts partly because he was dinged with a warning by the California Fair Political Practices Commission for voting to approve \$46.72 in city purchases from O'Brien's Market in 2012, when he was a councilman.

"I didn't want to put LAFCO in the position of not having a quorum," Richard O'Brien said.

Before Beekman's mayoral counterparts kicked him off LAFCO, his fans created a Facebook page in his support. They obtained and posted at the site an email purportedly written by Van Winkle asking to suppress redundant public comment at the July selection meeting, and asking "if it is appropriate to stop the speaker when they are making false statements about the mayors being corrupt and in the pockets of the (Building Industry Association)?"

County Counsel John Doering, who provides legal advice to county staff helping the mayors' committee, said Thursday, "Every Brown Act meeting has to have an opportunity for the public to speak." He referred to California open-meetings law.

The Modesto Bee was unable to reach Van Winkle for comment.

Beekman said, "The guy discouraging public comment is now on LAFCO."

Garth Stapley: 209-578-2390



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## COMMENTS

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### Citizens for Matthew Beekman

Churchwell White has its lackey in place now for a majority vote to overturn Amendment 22. No one ever said that Tom Dunlop is against "ag preservation". It was said at the last LAFCO meeting that he's against "ag mitigation". Actions speak louder than words Tom Dunlop, time to prove you're not your city attorney's puppet. Any vote to the contrary will prove you are.

(Citizens for Matthew Beekman is not run by nor affiliated with Matthew Beekman.)

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## Councilman Dunlop Appointed To LAFCO

Richard Paloma  
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August 14, 2015

After the July removal of Hughson Mayor Matt Beekman from the Local Agency Formation Commission (LAFCO), Stanislaus County mayors on Wednesday, Aug. 12 appointed Oakdale City Councilman Tom Dunlop to the vacant seat of the agency that creates new cities and special districts, changes boundaries, reorganizes local agencies, and performs municipal service reviews.

Dunlop, who also serves as Oakdale's Mayor Pro Tem, said he was flattered at the nomination and had gratitude for Oakdale Mayor Pat Paul to put his name forward.

"I've been doing this stuff for a long time," Dunlop said. "I've already worked with a lot of the same people and same commissions from my time on StanCOG."

Dunlop, who works in the ag industry, also said he was aware of some controversy, including "lackey" name calling, surrounding his appointment as well as the removal of Beekman due to a perceived pro-growth position.

A slight majority of Stanislaus's nine mayors voted to remove Beekman from LAFCO in July for his March vote favoring a change in the stance on farmland preservation that favored growth.

"I'm here to serve no other purpose except good governance and offer opinions," Dunlop said. "It's a sad day when it's about the propaganda and not the facts. Good government is about facts."

Paul said she felt Dunlop was the best to be on the LAFCO commission.

"He's got a degree in ag, works in ag, and will speak up when needed," Paul said. "He's smart and a good person. He cares deeply about ag like all

us mayors do.”

The commission also appointed Waterford Mayor Mike Van Winkle as a city alternate member on LAFCO. The former alternate, Riverbank Mayor Richard O’Brien, asked to step aside to avoid creating a conflict of interest situation if he and his nephew, County Supervisor Bill O’Brien, had to decide on the same item. Bill O’Brien is the county’s alternate member on LAFCO and both men work for the same family-owned grocery business, O’Brien’s Market.

<http://www.oakdaleleader.com/section/44/article/14555/>

# Developer lawsuit protesting fees has wide implications

Posted: Friday, August 14, 2015 4:52 pm

A developer with plans to construct hundreds of homes locally filed a lawsuit against the county and city claiming a \$9,500 “annexation fee” charged to builders for each residential lot has no legal justification.

Santa Clara-based Award Homes filed the lawsuit July 17 with the San Benito County Superior Courthouse. The suit is requesting that the courts make a ruling on the charging of “annexation fees” and halt the practice.

That fee is a result of a tax-sharing agreement between the City of Hollister and San Benito County. According to the court records, the two government entities first developed the tax-sharing agreement—including the annexation fee—in 1999 at the height of Hollister’s last building boom. Annexation is the process that involves one jurisdiction taking over domain of another municipality’s land. It tends to occur mostly on the outskirts of a city as it grows into a rural area.

The designated annexation fee was \$7,500 per unit under the 1999 agreement and increased to 9,500 per unit in an updated 2011 agreement, according to records.

A judge’s decision could have wide implications not only on Award Homes' projects, but also on other developers interested in building here. Those fees can add up quickly and could potentially play a role in whether a developer decides a particular project pencils out. With Hollister in growth mode right now, it also could result in a massive sway of revenue one way or the other for the struggling county—which reaps the money from the annexation fees—in the millions of dollars.

Though Hollister experienced a building moratorium for six years starting in the fall of 2002—due to a 15 million-gallon sewer spill that year—it’s possible the court’s decision could have implications on prior development activity as well, though Hollister’s city attorney, Brad Sullivan, noted how statutes of limitations might have an impact in any



## Housing market

KB Home has been building near R.O. Hardin School along Line Street.

decisions.

Award Homes is arguing in the lawsuit that there was never a study or nexus—government fees generally are mandated to correlate with specific costs—justifying the charges. The company in the suit refers to the fees as “illegal taxes” and unconstitutional. The lawsuit mentions that the company tried to work with the local entities and exhausted all of its administrative options.

Award Homes contends in the lawsuit it was “threatened with demands” from the defendants. The company mentions its 667-unit West of Fairview project, originally approved in 2000, and argues there was never a mention of such fees 15 years ago or when the plans were updated in 2012. Award Homes also is progressing on an 82-unit single-family residential project called Ladd Ranch south of Southside Road and west of Ladd Lane, said Mike Gibbons, a Hollister planning intern.

The company wants a judge to declare the law as invalid, approve a temporary restraining order or preliminary injunction to halt the practice, and ultimately sign a permanent injunction against it. The company is also asking for attorney’s fees and other litigation costs.

Despite filing the official response denying the allegations, Sullivan wasn’t optimistic about the local government entities’ chances in defending the lawsuit and the notion of annexation fees. Sullivan said San Benito might be the only county in the state that charges them and mentioned that other developers—along with the California Building Industry Association—have been questioning the fees as well.

“We don’t think it’s enforceable, either,” he said.

Sullivan, who pointed out how prior city and county management pushed through the charges, said the fees are “inconsistent with a general plan trying to encourage growth around the city.”

County Counsel Matthew Granger said the office policy is to decline commenting on pending litigation.

The West of Fairview project is proposed near Airline Highway and Fairview Road and has been in the works for more than two decades. Council members approved the 127-acre subdivision in October 2000 during a firestorm of debate over growth.

In mid-2001, the Local Agency Formation Commission, responsible for annexation of county property into city limits, delayed the project's momentum as it faced a 2003 deadline to get started. In May 2002, Award Homes filed a \$56 million lawsuit against LAFCO at around the time of the moratorium-inducing sewer spill.

## Los Medanos Health board member faces assault charges in connection with Antioch shooting

By Nate Gartrell [ngartrell@bayareanewsgroup.com](mailto:ngartrell@bayareanewsgroup.com)

Updated: 08/15/2015 04:01:08 PM PDT

ContraCostaTimes.com

PITTSBURG -- A health care district director ran for a City Council seat here last year with a blemish on his resume voters never knew of: He was facing felony assault charges for shooting a man.

Emmanuel Ogunleye, 55, was then reappointed to his board seat by members of the Los Medanos Community Healthcare District, who also were apparently unaware of the charges facing him. A jury in March failed to reach a verdict in Ogunleye's case, voting 11-1 to convict him on charges of assault with a firearm and shooting at an occupied vehicle in 2014. After that trial, the District Attorney's Office recharged Ogunleye with assault with a semi-automatic firearm, a more serious offense, along with shooting at an occupied vehicle, court records show. He is set to go to trial next month for a second time.



*Emmanuel Ogunleye, 55, was arrested in Antioch on suspicion of assault with a deadly weapon in February 2014, while serving on the Los Medanos board.*

During the early morning hours of Feb. 12, 2014, Ogunleye, 55, was arrested after he shot a 30-year-old man who had been attempting to rendezvous with Ogunleye's then-18-year-old daughter, according to police. The man was hit in the back while sitting in his car on Mt. Darwin Court in Antioch, but the bullet didn't penetrate his skin. He drove himself to a hospital.

Meanwhile, a neighbor who heard the gunshot called police, who arrested Ogunleye after interviewing him. His bail was set at \$250,000.

When asked about the charges in a recent interview, Ogunleye stood by a statement he made in court that he fired the shot accidentally. He said he has never disclosed the charges to his fellow board members -- a decision he said was made after consulting with an attorney -- and decided not to bring up the matter during his 2014 candidacy for City Council because he didn't want the issue to be a distraction.

"Campaigns are funny; that would be all anyone wanted to talk about, and really, campaigns are supposed to be about the people," Ogunleye said, adding that he also wanted to protect his daughter from embarrassment. "There is really no judgment one way or the other. ... I believe I will be vindicated."

Ogunleye, who was paid \$4,300 last year for his part-time position on the health care board, wasn't legally obligated to publicly disclose the charges, but he still should have, said Judy Nadler, a former Santa Clara mayor who now works as a consultant on government ethics. She added that his decision to not tell the other board members is "a violation of the trust."

"This is something that's relevant to the voters," Nadler said. "Yes, to the extent that people would have been talking about it, it would have been a distraction. But there's a difference between a distraction that's not relevant and a distraction that is relevant. ... If you get arrested and are being investigated, that's something I think the board has a right to know."

Los Medanos Community Healthcare CEO Bobbi Palmer said in an email that no one within the district was aware of the charges facing Ogunleye.



*Pittsburg city council candidate Emmanuel Ogunleye is photographed at the CCTV studio in Martinez, Calif., on Thursday, Sept. 18, 2014. (Jose Carlos*

"If a criminal trial was pending upon an arrest, yes, that should be disclosed -- obviously by anyone applying for public office and a conviction would result in removal from public office," she said.

Los Medanos board President Linda Strong said the issue sounded like a personal matter to her but declined to comment further.

After losing the 2014 council election, Ogunleye was reappointed to the health care board Dec. 8, 2014, three weeks before his term was to expire.

Ogunleye said he was living in Antioch temporarily at the time of the shooting and maintained a separate address in Pittsburg, which made him eligible to run for City Council there. Los Medanos board members are required to live within the district, which encompasses Pittsburg, Bay Point, Clyde and unincorporated areas around Marsh Creek, but they are given leeway if they move out of the district temporarily. Palmer said the district would research Ogunleye's residence.

During his trial, Ogunleye took the stand in his own defense and testified that he had fired the gun unintentionally and felt badly about the incident.

"I have tailored my life to serve the community, not to kill its residents," he said under oath.

After Ogunleye learned that his 18-year-old daughter had been sneaking out of the house to meet a man, he went outside holding a semi-automatic handgun that he kept under his bed, according to the prosecution. Then, as the man began to drive off, Ogunleye allegedly fired a shot at the car, striking the victim in the back.

Ogunleye, testifying in his own defense in his first trial, told a slightly different story, one he said he still stands by.

Ogunleye said he had shot the man accidentally because he was "still a little jittery," after catching his daughter sneaking out. He said he grabbed the gun because he initially believed she had been kidnapped, not to start a confrontation. He said he left the house with the gun in his pajamas pocket, with the intention of simply talking with the man.

But the man made a "sideward motion," Ogunleye testified, that caused him to fear for his life.

Then, when the man began to drive off, Ogunleye testified that he became startled, pulled out the gun and accidentally fired a shot that struck the car.

"I have memory of the sound of the gunshot, but I didn't consciously decide to pull it," Ogunleye said under oath.

Ogunleye has previously served on various local committees and as a Democratic Party delegate. In 2006, he launched a failed bid for Assembly, and in 2010 lost a bid for a seat on the Los Medanos board. He runs his own Social Security eligibility services business and worked two health care-related jobs for the state over a 12-year period.

He was first appointed to the Los Medanos board in 2012, after voters elected incumbent Darnell Turner, who died shortly before the election. He fell 600 votes short of winning a City Council seat last year.

Staff writer Thomas Peele contributed to this article.

# California Drought: Parts of Central Valley sinking 2 inches a month

By Lisa M. Krieger lkrieger@mercurynews.com

Posted: 08/20/2015 06:41:09 AM PDT Updated: about 6 hours ago

Parts of the great San Joaquin Valley are sinking almost 2 inches every month, as the state's subterranean water supply is being drained to record lows by farms and towns coping with the devastating drought.

On Wednesday, the most comprehensive study yet of the problem revealed the startling pace and extent of the damage: NASA satellites found the ground subsiding almost everywhere in the 140-mile stretch between Modesto and Tulare, with some of the worst sinking near the town of Corcoran, dropping 13 inches, and El Nido, 10 inches, over a six-month period through early this year.

Even worse, the sinking is threatening the stability of the California Aqueduct, as satellite images show a bowl of land between Huron and Kettleman City plunged about 14 inches less than half a mile from the state's great canal.



U.S. Geological Survey hydrologist Michelle Sneed is photographed at a ground water monitoring well along the Delta-Mendota Canal Tuesday, Feb. 11, 2014 near Los Banos, Calif. Damage to the canal from possible ground subsidence is being studied by the agency. (Aric Crabb/Bay Area News Group) ( ARIC CRABB )

"We are pumping more than we are recharging," Mark Cowin, California Department of Water Resources director, lamented in a Wednesday news briefing to release data collected for the state by NASA's Jet Propulsion Laboratory. He urged regulation of new wells, saying: "We don't believe we can sustain this type of pumping."

Another report released Wednesday warned of the drought's calamitous impact if California's historic dryspell continues for another two to three years.

Rural low-income communities, which rely on shallow wells for their water supply, and the environment will suffer the most acute affects, according to a new Public Policy Institute of California study. As many as 18 species of native fish, including salmon, could go extinct, the study found. It also warned of deaths among water birds that use the Pacific Flyway.

In contrast, cities are likely to avoid extreme scarcity, because they've invested heavily in conservation, expanded storage, recycled wastewater and other sources, according to the institute's report.

But the crisis is already well underway in California's agriculture-rich Central Valley: The intense pumping has left groundwater levels at record lows -- up to 100 feet lower than previous records, according to Cowin.

The damage is mounting: Roads have cracked, some pipelines have been exhumed, and the slope of the land is altered, changing drainage patterns, said Jeanine Jones, the department's deputy drought manager and interstate resources manager.

Along the California Aqueduct, the canal lining has been raised in multiple locations over the years in order to preserve flow.

And the damage to the earth may not be reversible: Even when rains resume, the water cannot expand the underground deep layers of clay, sand and gravel that store the state's great freshwater aquifers. When pumped too dry, they collapse, stacking like pancakes.

NASA's satellites can map surface deformations of a fraction of an inch over large areas -- making it possible to monitor groundwater and subsidence as never before. The study ended last winter, so does not reflect any additional subsidence caused by summer pumping.

Decades ago, overpumping sunk half of the entire San Joaquin Valley, in one area as much as 28 feet. The subsidence largely stopped when the state and federal governments built reservoirs that delivered water to agriculture.

But with little rain and reduced flow from reservoirs, farmers are turning to aquifers to support their crops. The Central Valley, home to the world's largest swath of ultra-fertile Class 1 soil, is the backbone of California's \$36.9 billion a year, high-tech agricultural industry.

Some of the areas of greatest subsidence are where agriculture has shifted from grazing and row crops to more intensive cultivation of orchards, such as almonds and grapes, that command a higher profit but demand water to survive year-round. Domestic wells are also failing, because they are shallow and subsidence causes casings to break. In Tulare County, more than 1,500 domestic wells have failed in the past year and a half, and about 1,000 households depend on the county to provide bottled drinking water.

Modesto farmer Paul Wenger blamed the loss of delivered "surface water" from reservoirs for the crisis. Because of the drought, less water is made available to farmers -- and more is devoted to fish in the rivers, he said. In 2014, Central Valley farms lost roughly a third of normal surface water supplies, or 6.5 million acre-feet. In 2015, the deficit may rise to 8.7 million acre feet.

Even conservation has unintended effects -- drip irrigation, unlike traditional flooding of fields, sends less water back into the ground, he said.

"Farmers have known for a long time about groundwater and subsidence," said Wenger, president of the California Farm Bureau Federation. "But when I throw you a lifeline, you'll grab it. You take what you can't get anywhere else. Farmers are trying to pay bills. They'll continue to access the only water they have, which is groundwater."

Last year, the state created a framework to regulate groundwater -- the first time in state history - - but it won't be fully implemented until 2020. And then it will take a decade or two for water levels to rebound, Cowin said.

He urged counties to follow the example of Glenn County, which on Tuesday night issued a six-month moratorium on permits for new wells.

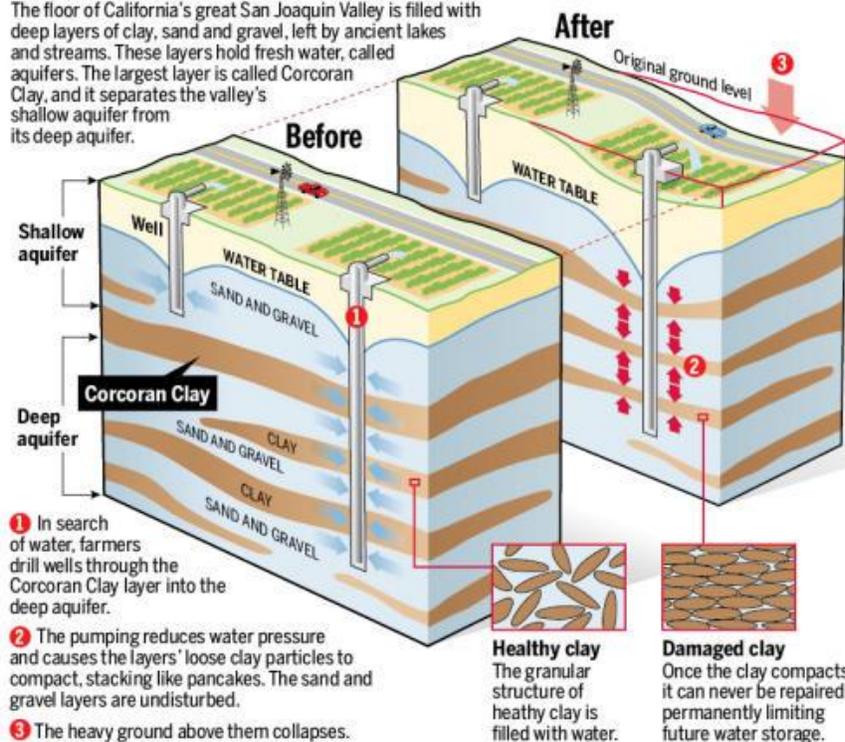
"The most important thing that can happen is for counties to pass or strengthen ordinances that limit over-pumping," he said. "It will take that kind of action to have any real effect."

Contact Lisa M. Krieger at 650-492-4098. Follow her at [www.facebook.com/LisaMKrieger](http://www.facebook.com/LisaMKrieger) and [Twitter.com/lisamkrieger](https://twitter.com/lisamkrieger).

READ THE REPORT The report, Progress Report: Subsidence in the Central Valley, California, prepared for the Department of Water Resources by researchers at the NASA's Jet Propulsion Laboratory, is available here: <http://water.ca.gov/waterconditions/index.cfm>

## Sinking ground

The floor of California's great San Joaquin Valley is filled with deep layers of clay, sand and gravel, left by ancient lakes and streams. These layers hold fresh water, called aquifers. The largest layer is called Corcoran Clay, and it separates the valley's shallow aquifer from its deep aquifer.



Source: U.S. Geological Survey

DOUG GRISWOLD/BAY AREA NEWS GROUP

# Shuttered Lafayette fire station could reopen

By [Jennifer Modenessi jmodenessi@bayareanewsgroup.com](mailto:jmodenessi@bayareanewsgroup.com)

Posted: 08/19/2015 07:14:37 AM PDT Updated: 113 min. ago

MARTINEZ -- Buoyed by stronger finances, the Contra Costa County Fire District is considering reopening a closed fire station in Lafayette and scrapping a partnership with a neighboring fire district to build a new facility on the Lafayette-Orinda border.

County supervisors acting as the fire district board directed ConFire Chief Jeff Carman Tuesday to explore overhauling and reopening Fire Station 16 on Los Arabis Drive in Lafayette's west end, which the district shuttered in January 2012 amid budget cuts. Carman estimated that rehabbing the closed fire station could take 12-15 months.

Officials also agreed to table a plan to jointly remodel and staff a new fire station with the Moraga-Orinda Fire District. Dubbed "Station 46," that fire station would replace MOFD's aging Station 43 on Via Las Cruces in Orinda, which officials say needs about \$3 million in reconstruction.

If supervisors move forward with rebuilding Station 16, ConFire will save millions of dollars it would spend on building and staffing the joint station. The district would save about \$5 million in total capital investment and about \$700,000 annually on staffing and other operational costs, according to a report. The fire districts had yet to reach an agreement to build the station despite years of negotiations.

"Fire Station 16 seems a lot more advantageous for us right now," Carman said. "We can open the station for less money than it would cost us to build a new one, in less time and less operational costs."

Moraga-Orinda Fire Chief Stephen Healy said in an email that Station 46 offered the districts flexible staffing and cost sharing that would result in an estimated \$100 million in savings over a 40-year term. But he acknowledged at least one advantage of a reopened Lafayette station -- eight companies of firefighters year-round.

Orinda resident Ellen Dale, who spearheaded a petition to stop MOFD from shutting one of its two Orinda stations to build the joint station, said she was pleased to hear the Lafayette fire station could reopen.

"All of Lamorinda needs Station 16 to provide closer backup during major incidents where every truck is called out and the sooner the full fighting force is on the scene, the better the outcome," Dale wrote in an email.

Lafayette officials urged ConFire to move forward with reopening the closed station, warning residents there are growing impatient with the lack of protection during a high fire season that has already seen its share of blazes.

"This area presents a greater risk for catastrophic fire than any other area in ConFire's jurisdiction and yet it has been without a continuously operated fire station for four years," said City Manager Steve Falk.

Falk's reminder about the millions of dollars Lafayette taxpayers are contributing to ConFire, and residents' willingness to detach from the district, got a rebuke from Supervisor Karen Mitchoff, who said other residents living within the district are tired of hearing Lafayette residents complain they are overpaying for fire service.

If Station 46 doesn't move forward, Moraga-Orinda directors will have to decide what to do with the 3.2-acre property they bought in 2013 for the new station. The district will also probably rebuild the ailing Orinda fire station, Healy said.

# Contra Costa Times editorial: Facing felony charges, health care district director should resign

Contra Costa Times editorial

Posted: 08/22/2015 04:00:00 PM PDT

Now we have two dishonest East Contra Costa politicians.

Earlier this month, the District Attorney's Office filed a misdemeanor charge against Jeff Belle, a trustee of the Contra Costa County Board of Education, for lying on his ballot statement.

Now comes the case of Emmanuel Ogunleye, 55, a director on the Los Medanos Community Healthcare District board, who faces charges of assault with a semi-automatic firearm and shooting at an occupied vehicle.

While he deserves his day in court, he doesn't deserve to keep his seat, which he gained by deception.

As this newspaper's Nate Gartrell reported last week, Ogunleye in 2014 shot a 30-year-old man who had attempted to meet up with Ogunleye's then-18-year-old daughter.

According to the prosecution, Ogunleye went outside holding a semi-automatic handgun that he kept under his bed. As the man began to drive off, Ogunleye fired a shot at the car, striking the victim in the back.

The bullet didn't penetrate his skin and he drove himself to a hospital. Ogunleye says he didn't mean to fire. A jury in March failed to reach a verdict, voting 11-1 to convict him. The district attorney has refiled charges.

Ogunleye was awaiting the trial when he ran unsuccessfully for the Pittsburg City Council in November and when he applied for reappointment to the health care board in December. In neither case did he reveal the criminal charges against him.

"Campaigns are funny; that would be all anyone wanted to talk about, and really, campaigns are supposed to be about the people," Ogunleye told Gartrell, adding that he also wanted to protect his daughter from embarrassment.

That's right. Campaigns are supposed to be about the people, not only their positions on the issue but also their character, including their behavior and forthrightness. And applicants for vacancies on public boards should be held to the same standards.

As health care district CEO Bobbi Palmer said, Ogunleye should have disclosed the charges when he applied for reappointment. Of course, there's another issue: Someone should have asked.

Candidates should face direct questions about whether they have ever been charged with a misdemeanor or felony and the outcome. They should similarly be asked about any civil cases and judgments.

They should be asked by good government groups like the League of Women Voters; by organizations weighing endorsements; and, yes, by members of the media like us. We should have asked and we didn't.

But that doesn't excuse Ogunleye's failure to disclose the criminal charges, the deception about them, the jury's near unanimous determination. That's enough: Ogunleye should resign.



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Published **August 26th, 2015**

## ConFire Station 16 Back in Play

*By Nick Marnell*

The Contra Costa County Fire Protection District board of directors authorized fire chief Jeff Carman Aug. 18 to investigate the cost of reopening fire station 16 in Lafayette, putting on hold plans for a joint fire station 46 with the Moraga-Orinda Fire District.

Discussions of the joint venture have been fraught with negatives since then-MOFD chief Randy Bradley proposed in 2013 that Orinda station 43 and Lafayette station 16 merge across districts. MOFD questioned the financial capability of ConFire to complete the deal, and the ConFire board originally voted against the consolidation, blaming a terrible financial environment. In 2014, as the economy improved, both districts began work on the joint station agreement.

But Carman told the board that the station 46 negotiations have been difficult. "There are operational contract issues," he said, starting with the annual district call volume: 5,000 for MOFD and 50,000 for ConFire. "They have more time to do things like public education, things we'd love to have the time to do," he said, noting that if MOFD took its company out of station 46 to conduct an educational seminar at a high school, ConFire may find issue with that. And if ConFire wanted to pull the 46 company to move up and cover for a Walnut Creek call, Carman said MOFD residents might have a problem. "And that's going to occur a disproportionate amount of time," he said. The chief said that response times in western Lafayette have increased more than 30 seconds since station 16 closed. "Lafayette is in a high fire hazard severity zone," he explained. "There is potential for devastating property loss, and that worries me more than anything."

North Orinda residents have touted response time concerns of their own should their local station 43 be closed, staging a petition drive to halt construction of the proposed joint station. Carman acknowledged that the opposition could further delay the project. "It was clear to me that the Orinda residents were not happy about moving their fire station and being associated with ConFire," he said. "It gave me insight that this was not going to be an easy process."

The clincher for the chief was a recent report from a ConFire contractor who disputed conventional wisdom and said that shuttered station 16 could be rebuilt, and at a much lower cost than the construction of fire station 46. ConFire's capital investment was estimated to be less than \$1 million to repair station 16 as opposed to \$6 million to build station 46, and the operational costs for station 16 would increase \$800,000 per year, about half of the district's share of projected annual costs of the joint station. Carman projected a 12-15 month timetable for the repairs, and he asked the board for authorization to further investigate station 16 as an alternative to station 46.

"Move forward with all haste," said director Karen Mitchoff, with the other three directors expressing a similar sentiment.

"We're disappointed because we were making real progress on a deal," said MOFD board president Alex Evans. "But we are happy that ConFire is going to rebuild and restaff station 16. Our fear was that they'd never do that and MOFD would carry an unfair burden." MOFD Fire Chief Stephen Healy agreed that opening station 16 would increase regional fire capacity. "However, 46 did offer the flexibility of having one or two engines staffed on a daily basis," he said. Evans said the board will take no action on the property purchased for the new station until station 16 is up and running.

"I am doing back flips!" said Ellen Dale, leader of the north Orinda community group that opposed station 46. "We were prepared to force this plan to a referendum. So, the chief was correct in his assessment that this would have been delayed."

Carman plans to update his board Sept. 22 on the feasibility of reopening station 16.

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

Published **August 26th, 2015**

## Lafayette Reacts to Station 16 Announcement

By *Nick Marnell*

One step closer to opening up that door  
Photo Ohlen Alexander

reminded the board that the pressure for detachment has grown, and is very real. "Our patience has a limit," he said. "It's time to resolve this."

"We can't promise that we'll never close a station again," said director Karen Mitchoff. "And it's getting tiring hearing about Lafayette paying more into the district. This is not a fee for service; you are paying for capacity."

ConFire chief Jeff Carman explained that Lafayette, one of nine cities in the fire district, is part of a major network, much larger than MOFD. "We can supply you with bulldozers, helicopters, fire investigators, an infinite number of resources," he said. He told officials at the Aug. 18 task force meeting about the recent arrest of the arsonist thanks to the work of four ConFire investigators. "That's the stuff you don't see," he said. "We are sure that he set several fires in Lafayette."

Should ConFire nix the proposed station 46 joint venture with MOFD and begin the rehabilitation of station 16 on Los Arabis Drive, Carman estimated that the work will take 12-15 months to complete. Task force member Rich Cunningham, who helped build a fire station in Albany, warned the chief that, since the station rehab project must go through the county public works department, he should count on a lot longer time frame than 15 months.

Jim Fajardo, task force member and retired fire chief, piled on with the skepticism. "I don't trust that the timeline will be met, or that in the future, we won't be in the same place we are today," he said, echoing that secession was a real possibility if the city does not receive the fire service it has purchased.

"If it's still the desire of Lafayette to detach and join another fire district, I can't say anything about that," said Carman. "I try to balance fire service for our district between nine cities, within a budget. I'm trying to provide good, honest communication in the district. I'm what you've got, and if you don't like what you've got, I can't change that."

"We put in our money, and we expect full coverage of fire and medical service," said task force co-chair and Lafayette mayor Brandt Andersson. "As long as we get that, I'm not as concerned about the money."

"But if we don't get full coverage, we're off the reservation."

The task force plans to next meet Sept. 22, after Carman presents the station 16 study to his board.

Though the Contra Costa County Fire Protection District announced that it will consider reopening Lafayette fire station 16, city officials and emergency services task force members refrained from patting each other on the back just yet.

"It's been a long time. Financially, 16 is viable and we're behind it," said task force co-chair and Lafayette vice mayor Traci Reilly. But she told the fire district board of directors Aug. 18 that the city wanted assurance that station 16 would not be the first station shut down during the district's next financial crisis. "We're tired of temporary solutions," she said.

The city of Lafayette threatened to detach from ConFire and possibly join the Moraga-Orinda Fire District if the district did not improve delivery of its fire and emergency medical service, claiming that the city did not receive its fair share for its \$9 million annual payment. City manager Steve Falk