

Concord: Council signals intent to annex Ayers Ranch

October 14, 2015
Agenda Item 18c

By Lisa P. White lwhite@bayareanewsgroup.com
Posted: 09/09/2015 05:39:06 PM PDT

CONCORD -- The City Council on Tuesday adopted a nonbinding resolution to annex the unincorporated Ayers Ranch area so homeowners with failing septic systems may connect to city sewer lines.

Ayers Ranch, a 190-acre area surrounded by the city and bordering the Concord Naval Weapons Station property, includes about 306 residential parcels. Most of the houses were built with septic systems.

Although the resolution establishes a goal of bringing the entire area into the city by 2030, residents will have an opportunity to oppose the move. Councilman Dan Helix voted against the resolution because he supports allowing smaller groups of homeowners to join the city.

Under state law, the Local Agency Formation Commission can approve out-of-agency service extensions only if a threat to public health and safety exists or if the city plans to annex the area. A failed septic system would constitute such a threat, but it could take up to two months for the commission to approve an application to hook up to the city's sanitary sewer lines.

Many Ayers Ranch residents say they want to remain in Contra Costa County to preserve the area's rural character and avoid having to abide by the city's building codes and other regulations. But other homeowners with aging septic systems who don't have room on their small lots to install new aboveground tanks said they want the option of joining Concord.

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Stress on the Front Line and on the Home Front

By *Nick Marnell*

Moraga-Orinda Fire District firefighters hold the Rocky Fire south of Highway 20 near Clearlake

brush, with hand tools and chain saws, fighting fire with fire." Woods said that his crew did not use a gallon of water. The ConFire team was the first arriving outside resource. "There was a lot of fire, and nobody there," said Woods. The fire fell under the jurisdiction of the Six Rivers National Forest Gasquet ranger district, which put the crew up at a campground. "The first two days, we ate military rations," said Woods. "No showers, nothing. Three days later, as the incident ramped up, they brought in caterers, laundry units, medical units. The area turns into a makeshift city." Welcome additions were the semi-trailers that housed over a dozen shower stalls.

Woods, a 20-year veteran whose children are grown, has served on many strike teams. "At the King Fire, I didn't talk to my family for six straight days," he said. "Little kids get used to seeing dad being gone for three days or so, but after five or six, family stress starts to build in."

MOFD

That sentiment was validated by Moraga-Orinda Fire District captain Jon Bensley, who returned in mid-August after nine days on a strike team. "We can talk about the Rocky Fire, but the bigger story is what the families go through when we're gone," he said.

Bensley, 33, has two daughters, 2 and a half and 5 months old. "The sacrifice we put in pales in comparison to what goes on at home," he said. "Our wives have the hard job. It's lonely, and they have to hold down the fort and be strong. Thousands of firefighters are out there now, and each one of them has a family back home that is pretty worried. Especially the young families." Bensley's older daughter experienced nightmares while he was away, which his wife attributed to his absence.

But once he received his assignment, Bensley was eager to get to work. His crew checked in at the Lakeport command center, a 30-minute drive from the fire activity. His task at the Rocky Fire was to contain the fire at Highway 20, north of Clearlake, about 100 miles north of Lamorinda. The

When you talk to firefighters from either of the Lamorinda fire agencies who left the area to fight California wildfires this season, you realize that the fires affect not only those at the incident but those whom the firefighters leave behind.

ConFire

The call came at 2 a.m. and in 30 minutes Contra Costa County Fire Protection District captain David Woods and his team headed to Del Norte County to tackle the Gasquet Fire, a 17,000-acre wildfire set off by lightning strikes in the wilderness outside Crescent City.

"Have you ever driven up 101? In a fire engine?" said Woods. The crew of four responded Aug. 1 to the emergency call in the state system and would spend nine days away, then relieved by another ConFire crew.

"It's a completely different experience than at ConFire," he said.

In a house fire firefighters can see where the fire is going, and the crews can go right in and fight the fire head on. "In the wilderness, you're watching the weather conditions, the wind patterns, the footing is different. You can't see where the fire is. We're cutting through steep timber, heavy

fire burnt through nearly 70,000 acres. "It was unprecedented," said Bensley. "The most extreme fire behavior I have ever seen." The fire ripped through a computer model that predicted a section would take seven days to grow. It took 12 hours.

Two firefighters were killed this year fighting wildfires in California. "When we lose one of our own, it humbles you, makes you take pause," he said, his eyes welling up, staring away. "Those guys were just like us, going to fight fires, and they thought they were fine. Then, something went wrong. We know it could happen any day, and I think it's felt most at home."

Bensley sent his wife a photo of the fire from the front line, but he did not get the reaction he expected. "It really upset her," he said. "We have no phone service at times, my wife hears the news about a firefighter that went down, news is not getting out quickly enough, the imagination runs wild, she panics."

Yet both firefighters left no doubt that they love what they do. "We don't like the uncertainties of our job, but we are happy to do the greatest amount of good we can with the training and preparation we've received," said Bensley.

"I have my bag in my car, ready to leave today," said Woods.



MOFD captain Jon Bensley and firefighter Chris Matthews pictured (right). Photos provided

Agencies Recognized by State LAFCO for Working Together

Posted: Thursday, September 10, 2015 12:00 am

The California Local Agency Formation Commission (CALAFCO) presented its “Government Leadership Award” to six Tri-Valley agencies for “working together and furthering good government efforts in the Tri-Valley.” The six agencies are the cities of Dublin, Pleasanton, Livermore and San Ramon, the Dublin San Ramon Services District, and the Zone 7 Water Agency.

Together, these six agencies provide services related to drinking water (potable), recycled water, wastewater, and storm water to approximately 277,000 people living and working in the Tri-Valley (located in eastern Alameda County and southern Contra Costa County).

While each agency has its own policies, practices, contracts, investments, and expertise, they studied ways to coordinate and integrate how they provide the various water services to their constituents. The process included more than 30 local elected officials (mayors, council members, board members) and senior staff (general managers, assistant general managers, city managers, assistant city managers, and public works directors). The study identified 15 opportunities for functional or service-level coordination and integration and additional options for longer-term integration.

As part of this study process, the participating agencies established the “Tri-Valley Intergovernmental Reciprocal Services Master Agreement,” which makes it easier for two or more agencies to coordinate contracting for services and sharing resources and materials. For example, the agencies might share landscape maintenance personnel and equipment, or they might share water and sewer line video personnel and equipment (to examine pipelines for repairs and replacement).

The goal of the agreement is to take advantage of opportunities to save money by sharing equipment, personnel, and other resources. This directly translates into savings for Tri-Valley ratepayers and taxpayers. With the ink barely dry on the Tri-Valley Intergovernmental Reciprocal Services Master Agreement, there is a new signatory, the Livermore Area Recreation and Park District.

Each county in California has a LAFCO office that oversees the formation and development of local governmental agencies within the county.

Contra Costa Times editorial: Retirement board wisely cuts pension-spiking Bay Area fire chief's \$241,000 payout

Contra Costa Times editorial © 2015 Bay Area News Group

Posted: 09/09/2015 04:59:31 PM PDT Updated: 112 min. ago

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Pete Nowicki, retired chief of the Moraga Orinda Fire District, holds up charts to the Contra...
[Related Stories](#)

Six years after an East Bay fire chief egregiously inflated his pension, the Contra Costa retirement board on Wednesday rolled it back 28 percent.

The audacity of the boost had earned local, state and national attention, making retired Chief Peter Nowicki a poster child for pension-spiking and his case a leading example of why reform was desperately needed.

At age 50, he retired in 2009 from the tiny Moraga Orinda Fire District and traded his \$194,000 salary for a starting pension of \$241,000 a year.

That was made possible because he and his fire board secretly negotiated last-minute contract changes that were finalized just three days before he publicly announced his departure.

"It's self-dealing by someone who knew he was going to retire," Scott Gordon, a trustee of the Contra Costa County Employees' Retirement Association, succinctly concluded Wednesday as the pension board voted 7-0, with two abstentions, to give Nowicki a giant financial haircut.

It was the right move. The present value of Nowicki's past and expected future pension payments was about \$6 million. The 28 percent reduction, retroactive to 2009, will wipe out about \$1.7 million of that.

Ironically, changes to state law prompted by cases like Nowicki's sparked the retirement association's re-examination of past instances of suspected abusive spiking. That led to this year's investigation of his case.

Before acting, the pension board gave Nowicki an opportunity to defend himself. But the more he talked, the worse his story seemed to get. He acknowledged that he and trustees had directly discussed and negotiated his compensation in closed session, a violation of the state's open-meeting laws.

The law permits local government boards to meet with a designated representative during contract negotiations, but it forbids closed session bargaining directly between an elected board and an affected employee.

Nowicki said he hadn't decided to retire until after his fire board had approved his contract changes, but documents show he had already contacted the retirement association with his planned departure date.

Nowicki claimed the contract amendments were designed to fulfill a promise from 2006, when he became chief, to increase his compensation above that of his battalion chiefs. But the fire district's salary sheets show he was already paid far more.

Moreover, he admitted that the supposed promise by a fire board member was never put in writing, while the contract he signed in 2006 clearly specified that it superseded any other written or oral agreements.

We suspect we haven't heard the last from Nowicki. He might sue. He's unlikely to prevail.

Danville: Appeals court issues split ruling on controversial development near Mount Diablo

By Dan Lawton dlawton@bayareanewsgroup.com

Updated: 09/11/2015 10:58:19 PM PDT

ContraCostaTimes.com

DANVILLE -- A state appeals court on Friday partially overturned a lower court's decision that Danville violated the law when approving a controversial residential development near Mount Diablo, likely clearing the way for the project to go forward.

The court agreed that town planners gave inadequate consideration to bicycle safety when performing an environmental assessment for the 69-home SummerHill Homes project, but overturned a previous ruling that the project was improperly zoned and violated the town's general plan.

"It's a partial win," said Stuart Flashman, the attorney representing Save Open Space Danville, a group of residents that filed the lawsuit.

Flashman said if SummerHill wanted to pursue the development, it would have to redo the environmental assessment.

Rob Ewing, an attorney for the town, said he was happy with the ruling and that the town would soon begin the process of reexamining bicycle safety on the road.

"I think the key points are that the town applied their zoning correctly," Ewing said.

The ruling is the latest turn in the road for the development, which was initially proposed in 2010.

In reaction to heated opposition from residents, SummerHill significantly altered the project to cluster the homes, preserving about 400 acres for open space.

That move won the developer support from the Town Council and the environmental group Save Mount Diablo.

But a group of residents, with concerns about the project's environmental footprint, formed Save Open Space Danville and filed a lawsuit.

Mary Ann Cella, the group's spokeswoman, issued a statement expressing frustration with the court's ruling.

"The appellate court's decision on the rezoning issue is a blow to democracy and the public's right to rely on voter-enacted measures that seek to protect the right to public vote and open space," she said.

The decision was made by justices Jim Humes, Sandra Margulies and Robert Dondero.

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Daniel Borenstein: Pension-spiking Bay Area fire chief's comments suggest conflict of interest and illegal secrecy

Updated: 09/13/2015 08:48:19 AM PDT

ContraCostaTimes.com

- Aug 20:
- [Contra Costa Times editorial: Obama should end attack on Gov. Brown's pension changes](#)
- Aug 18:

Nowicki was 50 when he retired in 2009 from the Moraga-Orinda Fire District, trading his \$194,000 salary for a \$241,000 starting annual pension. Six years later, on Wednesday, trustees of the Contra Costa County Employees' Retirement Association ruled that he had improperly boosted his payout and they reduced it 28 percent.

There's a lot of taxpayer money at stake: The present value of Nowicki's past and expected future pension payments was about \$6 million. The retroactive reduction will cut that by \$1.7 million.

But before the pension board ruled, Nowicki made a nearly four-hour presentation seeking to keep his windfall. His account raised questions about not only his own behavior, but that of fire district directors and their attorney, Steven Meyers.

Nowicki was appointed chief in 2006 under a four-year contract. In 2008, he and the board negotiated two amendments that included backdated pay hikes, increases of paid holidays and vacation, and greater ability to convert unused leave to cash, enabling him to significantly inflate his pension.

The fire board approved the second amendment in open session three days before Nowicki publicly announced that he would soon retire. But, as Nowicki revealed Wednesday, he and the board had negotiated the amendments in closed-door sessions before directors rubber-stamped them publicly.

That would violate the state's open-meeting law. The law permits local government boards to meet privately with their negotiators during contract bargaining but forbids closed-session compensation talks directly between a board and affected employees.

The law also requires public notice of closed-door discussions about negotiations, but the board's 2008 agendas contained none pertaining to Nowicki.

The secrecy wasn't the only problem. Nowicki "improperly participated in the formation of a contract in which he was financially interested as an official," said attorney Michael Martello, a government ethics expert. That would violate the state's conflict-of-interest rules, which can carry civil and criminal penalties.

For all this, Nowicki told the retirement board on Wednesday, Meyers was present. "We've always had legal counsel in the room," he said. Citing attorney-client privilege, Meyers declined to answer questions except to say the district complied with the open-meeting law.

As for why the fire board approved Nowicki's contract amendments, Director Fred Weil said it fulfilled a prior promise. Weil, the only board member from 2008 still serving today, wrote in 2012 that Nowicki was promised when he became chief that he would do better financially than his battalion chiefs. The changes, Weil wrote, ensured his pension was greater than theirs.

Nowicki made a similar argument Wednesday, saying he had a "gentlemen's agreement" with his predecessor and a fire board director that his leave accrual benefits would be later increased.

Nowicki admitted he had no written documentation supporting that claim. Indeed, his contract states that it "specifically supersedes any prior written or oral agreements between the parties." Moreover, fire district documents show Nowicki's base salary a year after he took the job was 21 percent more than the top-paid battalion chief.

The board's 2008 approval of retroactive compensation may have also violated the state constitution. While a labor group with an expired contract may bargain a new deal effective back to the expiration date, Nowicki had a contract in effect.

"He did not earn the right to these retroactive increases at the time he rendered service," concluded the retirement board's attorney, Harvey Leiderman. "In fact, he did not 'earn' them at all, but was simply gifted them."

Finally, there's the issue of whether fire district directors knew Nowicki planned to retire when they granted him retroactive benefits. Nowicki claimed he hadn't decided to leave until after the second contract amendment was finalized.

But his dates didn't jibe and his story kept changing. At one point, trying to make his timeline plausible, he claimed, "I had this final mind-blowing epiphany that this is what I'm going to do."

Six years ago, however, three fire board directors said they knew of Nowicki's retirement plans before they approved the final contract amendment in December 2008.

Indeed, Nowicki apparently made up his mind as early as September 2008. Then, and again in October 2008, he sent emails to the retirement association indicating plans to retire in early 2009.

In November 2008, Nowicki wrote that he would be retiring Jan. 30 and sought calculation of his spiked pension. He enclosed the secretly negotiated second contract amendment, which he said was final. The deal had not been released but Nowicki wrote that it "will be approved and signed by the Board of Directors on December 10th."

Then, in another apparent conflict of interest, Nowicki, in a Nov. 27 staff report for that Dec. 10 meeting, recommended approval of his own contract amendment. He provided no analysis of the cost or pension implications of the deal. And he withheld release of the contract amendment itself, saying it would be presented "as a handout" at the meeting, ensuring no time for public review.

To reduce Nowicki's pensions, retirement board members did not have to find that laws had been broken, only that, in their judgment, his payout had been "improperly increased."

For one member, Scott Gordon, a public law attorney, it wasn't a close call. "It's self-dealing by someone who knew he was going to retire."

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Five-alarm blaze erupting at East Contra Costa Fire District

By Assemblyman Jim Frazier

Since East Contra Costa Fire District directors voted to lay off staff and close two more stations, I have heard from residents worried that three stations and 27 firefighters aren't enough to cover more than 100,000 people in a 249-square-mile area.

I agree with them. I've been worried about this since the district was turned over to local control in 2010 and I was appointed to the first board to represent the interests of my hometown, Oakley.

In 2010, the district had eight stations, 53 firefighters and a gaping hole in its budget caused by a downturn in the real estate market. Frankly, the recession put the final nail in the coffin of the fire district.

The fire district is funded entirely by property taxes, per 1978 passage of Proposition 13. In 1978, the region was mostly rural and fire service was mostly provided by volunteers. Officials at the time had to decide what share of property taxes fire districts needed to maintain their operations. They set the rate for rural districts at 5 percent. Neighboring urban fire districts were given larger shares.

This is why people who live in the East Contra Costa Fire District pay the same property taxes as their neighbors but receive less service.

In Oakley, Bethel Island, Brentwood, Byron, Discovery Bay and Knightsen, only 5 percent of property tax revenue goes toward fire protection. Fire districts covering Antioch, Pittsburg, Concord and Walnut Creek receive 13 to 16 percent of the revenue collected.

How do we go about changing that distribution of property tax? Only by changing Proposition 13, and there is very little political

The fire board ... asked taxpayers, twice, to vote to provide another source of revenue. Both times, voters turned down ballot requests to charge themselves about \$8 more a month for fire service. Without additional revenue, the fire district board had no choice but to close more stations and lay off more firefighters.

will to do that. I would consider legislation regarding the distribution of property tax if each city, school and special district in Contra Costa County agreed to a redistribution of revenue. Perhaps the task force of city and county leaders discussing this issue would consider such an option?

The district has been kept afloat through FEMA grants, which are no longer available. Even if they were, temporary grant funding is no way to run a permanent department.

Faced with falling revenue and disappearing reserves, the East Contra Costa Fire District board has done what every family does when faced with a similar crisis: It cut expenses and looked for other sources of income by closing fire stations, letting employees go, reducing salaries and insisting that employees pay a larger share of their benefit costs.

The fire board also asked taxpayers, twice, to vote to provide another source of revenue. Both times, voters turned down ballot requests to charge themselves about \$8 more a month for fire service. Without additional revenue, the fire district board had no choice but to close more stations and lay off more firefighters.

The district relies on mutual aid responses from surround-

ing fire departments to provide basic service. But how much longer will our neighbors bail us out when our district can't reciprocate?

And unlike other urban fire departments, the East Contra Costa district never did generate enough revenue to add paramedics to its services. Basic emergency medical aid is all it provides. That's troublesome, considering our area's aging population.

As a homeowner, I am as worried as every other district resident that my insurance rates are going to skyrocket and, worse, that my property won't be adequately protected if a fire sweeps through. As a parent whose daughter's life was saved by firefighter-paramedics, I am concerned that advanced lifesaving techniques aren't routinely available to me or my neighbors.

The hard truth is that fire districts are funded by local assessment with residents who use the services paying the fee. Right now, the assessment does not cover the needs. The fire district is currently living within its means and we are getting exactly what we're paying for. The question remains: Is it enough?

Jim Frazier represents parts of Contra Costa and Solano counties in the California Assembly.

DROUGHT

Napa to grapple with selling water beyond city limits



SEPTEMBER 13, 2015 7:00 AM • BY HOWARD YUNE

While state and city cajole Napans to use less water during the drought, how much water should be sold for use beyond the city limits?

Napa officials will soon begin tackling the regulation of bulk water sales to homeowners, grapegrowers and other destinations in the unincorporated county, a small but highly visible phenomenon in a city that has said it lowered its consumption by more than 25 percent in recent months.

The City Council is scheduled to discuss on Tuesday a possible policy governing the sale of water from metered, city-owned hydrants to out-of-city sites that receive deliveries by tanker truck. Afterward, city staff is expected to consult with county planning officials before crafting a policy for a council vote.

Customers relying on imported water account for only a fraction of the 12,400 acre-feet (an acre-foot equals 325,851 gallons) the city provides each year, according to Phil Brun, deputy director of public works.

While about 2,000 acre-feet of city water goes to customers outside Napa, the bulk of those buyers are long-term customers like the Silverado Resort and Spa and property owners in Monticello Park and Congress Valley, who receive conventional metered, piped service.

Bulk water sales totaled only 92 acre-feet in the 2014-15 fiscal year and 99 acre-feet the year before, records show. But those figures were double the 46 acre-feet in 2012-13, when the statewide drought was beginning.

Construction companies inside Napa typically buy 15 to 20 acre-feet of water a year to control dust on building sites, officials said. The rest is used to supply homes, vineyards and The Carneros Inn, the only commercial user of trucked-in city water.

Truck deliveries serve properties beyond the reach of municipal water pipes, but increasingly have sustained homes and farmland where wells have run dry during the drought, now in its fourth year. In January, Kevin Bingham, who founded Bingham's Potable Water Delivery in Napa, said his customer roll has grown to 300, from five when he started the company in 2009.

Unlike an extension of piped service – which requires approval from the county's Local Agency Formation Commission (LAFCO) to guard against development sprawl – no policy currently limits the sale of water through city hydrants for outside use. But LAFCO, which includes members of the City Council and the Board of Supervisors, has encouraged new development to have reliable supplies on site and use truck shipments only for emergencies and short-term needs.

Napa has treated water delivery as a sale of its surplus property, which the city can interrupt, rather than a service it must keep providing as long as customers pay their bills, Brun wrote in a memo to the council. While the city can sell surplus water without LAFCO's permission, it must get the commission's approval to extend those sales to "any project that will support or induce development," he said.

LAFCO discussed regulating water deliveries in December but took no immediate action, as city officials admitted an abrupt end to bulk sales would be impractical. "We're trying to be sensitive to the impact that just shutting off that water would have economically on the lives of people who are getting the service," City Manager Mike Parness told the commission at the time.

Possibilities outlined by public works officials include setting up recurring water sales to certain

properties on health and safety grounds; limits on annual water sales for irrigation or a one- to two-year limit per property; a yearly cap on residential water sales; and limiting out-of-city sales to existing development.

If you go

Napa City Council meeting

- Tuesday, 3:30 p.m. (afternoon session) and 6:30 p.m. (evening session, including trucked water discussion)
- City Hall, 955 School St.
- Agenda: <http://bit.ly/1Kc49V3>

Contra Costa Times

9-14-15

Editorial

Pension-spiking debacle demands an outside inquiry

Confronted with new revelations about the spiked pension of retired Chief Peter Nowicki, Moraga-Orinda Fire District directors must decide whether to circle the wagons or ensure residents receive the full independent investigation they deserve.

Thus far the district's official reaction has been pathetic.

Six years ago, Nowicki left his \$194,000 salary for a \$241,000 annual pension, subsequently increased by cost-of-living adjustments to \$277,000. Last week, trustees of the Contra Costa County Employees' Retirement Association trimmed the payout back by 28 percent.

They ruled that two final-year amendments to Nowicki's contract that inflated his pension were improper. The biggest, in December 2008, came three days before he announced his retirement.

The present value of Nowicki's past and expected future pension payments was about \$6 million. The retroactive reduction will cut that by \$1.7 million. If not for the retirement association, the fire district would have been on the hook for that. Yet the fire district claims this is not their concern.

"The district's position is this is a matter between CCCERA and one of its members. At the moment, we're not taking any kind of position," said one of the fire district's attorneys, John Bakker, in comments later echoed by board President Alex Evans.

And then, compounding the insult to Orinda and Moraga residents, Bakker added, "the board approved the December 2008 agreement in open session. I think that speaks for itself."

It's an unconscionable position. This mess was enabled by past and one current fire board member, Fred Weil. Moreover, the notion that open session approval of the final contract amendment makes it all OK is outrageous.

As the retirement association investigation and Nowicki's own testimony show, the public approval was merely a rubber stamp following a series of illegal closed sessions.

Details about the deal were withheld from the public until the last possible moment. Claims by Weil that it fulfilled a past oral promise ignore the actual written wording of Nowicki's contract. Nowicki's direct involvement in his own contract formation may have violated conflict-of-interest laws. And the retroactivity of the Nowicki amendments seemingly runs afoul of the state Constitution.

Yet the fire board is turning for legal advice to the same law firm that oversaw the 2008 debacle. Bakker's senior partner, Steven Meyers, was present then and should now be recusing himself and his firm.

Four of the five fire board directors weren't around in 2008. They can continue to rely on Weil's and Meyers' accounts and advice. Or they can order an outside investigation, waive the district's attorney-client privilege and direct Meyers to publicly explain what happened.

Residents deserve the full story.

Rainbow water district wins merger battle

LAFCO vote kills Fallbrook's attempt to absorb neighbor



(/staff/j-harry-jones/)

By J. Harry Jones (/staff/j-harry-jones/) | 4:29 p.m. Sept. 14, 2015



Fallbrook Public Utility District attempt to merge with Rainbow is defeated. — *J. Harry Jones*

DOWNTOWN SAN DIEGO — A bitterly contested plan to consolidate two small North County water districts was nixed Monday by the county's Local Agency Formation Commission in a decision cheered by hundreds of rural water customers who fought the proposal.

The move bucked a county staff recommendation that the Fallbrook Public Utility District and the Rainbow Municipal Water District join forces as a way to save money and increase efficiency. The Fallbrook agency wanted the merger but the Rainbow district has fought it for 18 months.

In a 5-3 vote, the LAFCO board said the need to consolidate wasn't there, the savings weren't great enough, and the people simply didn't want it.

Hundreds of Rainbow district residents cheered wildly as the vote was recorded inside the Board of Supervisors chambers in downtown San Diego. LAFCO Chairman Bill Horn said in his 21 years on the panel — which usually operates in relative anonymity — it was by far the largest and longest hearing.

Dozens of speakers urged the commissioners to deny Fallbrook's application, saying they wanted to retain local control and that Rainbow's largely agricultural ratepayer base would be underrepresented by a bigger water district.

Horn, who also represents the area on the County Board of Supervisors, set the tone during deliberations.

"Usually when we are trying to consolidate we are trying to resolve a problem," Horn said. "In this case I am hard pressed to find a problem. At this point I'm going to err on the side of local control."

Member Dianne Jacob, also a supervisor, agreed saying it was clear to her that ratepayers in the Rainbow district's service area were opposed to what they called a "hostile takeover."

“Why are we even considering this when the people clearly don’t want it?” she asked. “Big is not necessarily better. Aren’t we a government of the people by the people?”

LAFCO Executive Officer Michael Ott had recommended the merger go through, estimating it would save a bit more than \$2 million a year in reduced administrative and other costs. The Rainbow board disputed those estimates.

After the vote, Ott said the board’s decision will probably also discourage other water districts from consolidating.

With the Fallbrook-Rainbow proposal dead, “there are no other (water district) mergers on the horizon,” he said.

In 2012, the two districts had agreed to combine resources and began working together under a Joint Powers Agreement. But after one year Rainbow backed out of plans to make the merger permanent, saying it was unsatisfied with how a new governing board would be elected.

Convinced the savings would be significant for both districts, Fallbrook officials applied to LAFCO to force the merger without Rainbow’s knowledge or cooperation. While the county agency has overseen hundreds of special district mergers over the years, only a handful have ever been so controversial.

The specifics of the proposed merger outlined in Ott’s final report seemed to solve the governance problem by suggesting the new board be elected by geographic district. By that time, however, Rainbow’s leadership said they wanted nothing to do with the plans.

Rainbow hired lawyers to fight the proposal and public relations operatives to sell its message to ratepayers.

Fallbrook General Manager Brian Brady on Monday called the vote very disappointing “given the undisputed customer savings.” He thanked LAFCO’s staff for “their hard work over the past 18 months and support for a merger.”

After the vote an ecstatic Rainbow General Manager Tom Kennedy high-fived supporters in the hallway.

“We’re happy the commission saw through the information they were given and saw fit to let the Rainbow voters remain independent,” Kennedy said.

“We believe there are opportunities to save money between public agencies but forcing a merger was not the way to go. It was only going to cause more problems in the future.” He said the chances of Fallbrook and Rainbow getting together in the near future aren’t likely. “Anything’s possible,” he said. “But the waters have been pretty muddied.”

The three commissioners who voted for the merger were Sam Abed, Andy Vanderlaan and Ed Sprague. Voting against were Horn, Jacob, Lorie Zapf, Jo MacKenzie and Lorraine Wood.

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Local fire agencies agree to cut back on medical aid response

By Rowena Coetsee

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Posted: **09/15/2015** 01:37:34 PM PDT Updated: about 24 hours ago

BRENTWOOD -- The two fire agencies serving East Contra Costa residents recently struck a new automatic aid agreement that aims to have them share the load more evenly but will further erode medical services to residents here.

For years the financially strapped East Contra Costa Fire District has relied heavily on neighboring Contra Costa County Fire District to provide additional engines when it lacked the necessary manpower to tackle a fire or medical emergency.

Con Fire has come to the rescue more often than the other way around, a lopsided state of affairs that worsened dramatically this spring when voters rejected a benefit assessment that East Contra Costa Fire had proposed. As a result, the district closed two stations, leaving only three to serve approximately 249 square miles.

To meet industry standards, fire districts must send five engines -- that equates to 15 firefighters and a battalion chief -- to a one-alarm structure fire, East Contra Costa Fire Chief Hugh Henderson said.

But his agency now has only nine firefighters available at any time, which means that two Con Fire engines are summoned every time a building goes up in flames, he said.

The numbers underscore the glaring disparity: From June through August, the computerized dispatch system sent Con Fire on 159 calls to East Contra Costa and with 212 of its engines. By contrast, East Contra Costa Fire responded to 64 requests from Con Fire, reciprocating with 74 engines.

"You can't depend on your neighbor 24/7," said Henderson, who proposed the revised agreement.

As of Sept. 1, his agency has been cutting back on the number of times it requests Con Fire's help on medical calls, reserving that source of help for emergencies that require multiple engine companies such as extricating accident victims trapped in a vehicle.

An ambulance will respond to minor incidents but neither agency will provide a fire engine.

In more serious cases, East Contra Costa Fire crews will show up along with an ambulance if they're available. If not, it's up to the paramedics to decide whether they need Con Fire's intervention.

Only in medical crises that are a matter of life and death will the auto-aid system automatically dispatch Con Fire if East Contra Costa Fire doesn't have the personnel.

The idea is to reduce the number of times that Con Fire engines have raced out of a station only for the ambulance crew that's already at the scene to cancel the call because they can handle the situation themselves.

Henderson predicts that by his agency cutting back on medical aid calls to Con Fire will all but eliminate the disparity between the number of times each helps the other.

But he doesn't think the agreement will solve the imbalance in the actual resources they share.

His district always will need two Con Fire engines for every structure fire, whereas Con Fire's emergencies typically require East Contra Costa Fire to share just one of its engine companies, Henderson said.

The two fire districts will revisit the agreement after it's been in effect for 60 days.

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

Village News

LAFCO rejects FPUD – Rainbow Water merger

By [Joe Naiman](#) on **September 15, 2015**

San Diego County's Local Agency Formation Commission voted 5-3 September 14 to reject the proposed consolidation of the Fallbrook Public Utility District and the Rainbow Municipal Water District.

County Supervisor Bill Horn, County Supervisor Dianne Jacob, Carlsbad City Council member Lorraine Wood, San Diego City Council member Lorie Zapf, and Vista Irrigation District board member Jo MacKenzie cast votes in favor of the motion to reject the merger. Escondido mayor Sam Abed, Olivenhain Municipal Water District board member Ed Sprague, and public member Andy Vanderlaan voted in favor of the merger.

"I don't see any benefit to ratepayers. Rainbow as a district is financially sound. It's not broken," Jacob said. "Usually when we consolidate we are trying to solve a problem. In this case I am hard-pressed to find a problem," Horn said. "I'm going to err on the side of local control. It think it's important," Horn said. "I think both districts are managed fairly well."

"It's clear to me that there's a lot of unresolved issues, a lot of disagreement," Jacob said. "They just don't want this merger flat out," Jacob said. "The people that would be affected don't want it."

"I do believe in the merger, but I don't believe in it right now," Wood said. "The dispute on governance should not trump the savings to the ratepayers," Abed said. "The savings will benefit the ratepayers."

"I do not see that there would be a substantial cost savings, either," Jacob said. Jacob noted that the claimed economic savings were in dispute. "I did not see that either the Rainbow Municipal Water District or Fallbrook ever adopted the draft consolidation study nor did they confirm the contents of that," she said. "There's a difference between the words accepted and adopted."

Jacob has been on the LAFCO board since January 1993. "I have not seen a proposed consolidation merger that has been this controversial," she said. During Jacob's tenure LAFCO has approved three consolidation proposals favored by one affected agency's board and opposed by the other governing body: the 1994 merger between FPUD and the Fallbrook Sanitary District, the 2004 elimination of the Tia Juana Valley County Water District whose area is now served by the City of San Diego water department, and the dissolution of the Lower Sweetwater

Fire Protection District in Lincoln Acres which would have been replaced by a county service area had a 2002 election not nullified the dissolution. “It didn’t go because the people overturned the commission,” Jacob said. Because a fire protection district and a city fire department cannot legally merge, functional consolidation including automatic aid and dispatch service sharing is common with the fire service. “There’s other ways to do this,” Jacob said of FPUD and Rainbow achieving shared efficiencies. “If we just leave them alone I think there’s a better probability of that happening.”

FPUD and Rainbow began discussing consolidation in early 2012. The individual districts formed ad hoc committees, and that year the two district boards individually agreed to a consolidation study. The North County Joint Powers Authority was created in February 2013 as a transitional structure to test the possibility of consolidating the Fallbrook and Rainbow districts. The functional consolidation allowed for the experience of combining tasks among the two districts without a jurisdictional consolidation while also creating the possibility that the districts could experience cost savings due to such sharing without governance consolidation. The first North County JPA meeting took place in March 2013, and FPUD general manager Brian Brady was selected as the JPA’s executive officer. The seven-member JPA board consisted of three FPUD board members, three Rainbow board members, and an at-large member chosen by the rest of the board (following the dissolution of the JPA the at-large member, Charley Wolk, was elected to the FPUD board in November 2014).

Dave Seymour was Rainbow’s general manager from September 2007 until his retirement in April 2013. When Seymour retired Brady also became Rainbow’s general manager as well as the FPUD general manager and the JPA executive officer. The joint powers agreement included an employee leasing agreement which allowed FPUD and Rainbow to share employees. During the life of the JPA no board contested a report that the functional consolidation saved more than \$1 million during its 11 months of existence with approximately 80 percent of those savings accruing to Rainbow and the other 20 percent benefitting FPUD.

“That was a combination of labor savings and operational efficiency savings,” said current FPUD board president Don McDougal.

“Sounds like the JPA was indeed working very well,” Jacob said.

Brady gave a presentation at the August 2013 JPA meeting which led to a decision, which was neither ratified by board approval nor overturned by any board, to move the engineering and systems operations functions to the Rainbow facility while transferring customer service items to the FPUD office. Rainbow’s customer service staff relocated to the FPUD building in November 2013, although issues involving the electronic equipment which communicates between district facilities prevented FPUD from moving its engineering or systems operations staff to Rainbow.

In November 2013 the FPUD and Rainbow boards voted to begin the process of applying to LAFCO for an actual jurisdictional consolidation. The subsequent talks led to agreement that the consolidated district would be called the North County Public Utility District and would be a public utility district, as is the case for FPUD, rather than a municipal water district which is Rainbow’s situation. The issue of governance led to the end of both consolidation talks and the

JPA. FPUD and Rainbow both have five-member boards. FPUD elects its directors by seat with the entire district voting for each seat. Rainbow elects its directors by division with only voters in that division participating in the choice. FPUD initially proposed that all board members of the consolidated agency be elected at large, which was not acceptable to Rainbow.

In February 2014 FPUD's representatives on the JPA board offered a compromise in which four directors would be elected by division and three would be elected at large. Such a format would provide board representation for residents of each of the four divisions while also ensuring that a majority of the board would be accountable to all of the district's residents. Section 15972 of the California Public Utilities Code stipulates that if the entirety of a public utility district is in the same county the board shall have five directors elected at large. Municipal water district directors must be elected by division. The North County JPA looked at latent powers only and not governance when deciding to make the consolidated agency a public utility district rather than a municipal water district. The joint powers agreement allowed for a termination provision after one year.

On March 5, 2014, Rainbow's board voted 4-1 with Dennis Sanford in opposition to give FPUD a 30-day notice terminating the JPA. Rainbow board president George McManigle (who was defeated in his November 2014 re-election attempt) delivered the notice of termination to FPUD the following day. This dissolution also ended the employee leasing agreement, although Rainbow remained willing to approve a new agreement and subsequently approved a resolution authorizing Rainbow to provide practical assistance to FPUD in an emergency or opportunity situation regardless of whether a formal agreement exists. Rainbow moved its customer service staff back to the Rainbow office in April 2014.

A March 10, 2014, FPUD special meeting approved an application to LAFCO to consolidate FPUD and Rainbow, and Brady delivered that application the following day. Due to concerns whether the special meeting was properly noticed, FPUD's regular April 2014 meeting included a vote to resubmit the application. The 3-1 vote with Archie McPhee (who was defeated by Wolk in the November election) opposed and Bert Hayden absent, approved an application calling for the dissolution of the Rainbow Municipal Water District, the annexation of the Rainbow territory into FPUD, the expansion of FPUD's latent sewer service powers into the Rainbow territory, the expansion of FPUD's sphere of influence into the Rainbow area, and a zero sphere of influence for Rainbow.

A municipal service review evaluates a jurisdiction's services and anticipated needs. A sphere of influence study determines boundaries best served by a particular agency. Updates to both the municipal service review and the sphere of influence are prerequisites to any boundary change including an annexation or consolidation (LAFCO also periodically conducts municipal service review and sphere of influence updates for all cities and special districts), and in the event of a consolidation a dissolved district is given a zero sphere of influence. LAFCO may approve the municipal service review, sphere of influence update, and boundary change at the same meeting. FPUD's special meeting agenda also addressed the JPA's conflict of interest code which covers incompatible offices, and Brady resigned as Rainbow's general manager. Later that month the Rainbow board selected Gene Buckley as the district's new general manager. Buckley retired in

June 2014 and Chuck Sneed served as interim general manager until Tom Kennedy was hired in August 2014.

The North County JPA held its final meeting on March 13, 2014, although the special meeting to address Rainbow's withdrawal and the LAFCO application involved discussion rather than votes. Support from both agencies is not required for LAFCO to process a consolidation request, although input from the Rainbow board as well as from Rainbow residents has been part of the public hearing process.

A public comment period for FPUD's application ended August 1, 2014, and the Rainbow Municipal Water District provided a formal resolution of objection which addressed several issues. During the public comment period, LAFCO also received 396 letters in opposition and 23 letters in support.

On December 19 LAFCO's Special Districts Advisory Committee found that financial savings would occur if FPUD and Rainbow consolidated, although the committee made no recommendation on whether directors should be elected by the entire district or by territorial unit. "The committee found that there were cost savings and that the reorganization was financially feasible," said Olivenhain Municipal Water District general manager Kimberly Thorner, the 2015 chair of the Special Districts Advisory Committee.

The hearing was initially set for July 6, but when Horn found out that a family matter would prevent him from attending on that day he requested a continuance. Three public speakers who were not sure whether they would be able to return for the September hearing were allowed to provide comments, and the remainder of the public comment was heard September 14. The September 14 comments also included statements from the general managers of FPUD and Rainbow. "There are no service level concerns that would justify LAFCO intervention," Kennedy said. "This is a viable functioning district," Kennedy said. "We have an excellent service record to our community."

Brady cited the reduced administrative costs of a consolidated agency. "In the last 18 months once we split up the JPA together we have spent over one and a quarter million dollars on unnecessary administrative costs," he said. The total number of employees for the two agencies decreased from 123 to 114 while the JPA was in existence. "That was all a very positive thing," Brady said. (As of September 14 FPUD had 66 employees and Rainbow had a staff of 50.) Brady added that the two districts also had separate \$250,000 expenditures on billing software. Kennedy noted that shared costs wouldn't translate into lower rates for Rainbow's customers. "There's no direct benefit to the ratepayer here," he said. "It's not going to drop anyone's rates," Kennedy said. "Our rates are driven primarily by external factors." Kennedy added that the stated \$2.1 million of staff cost savings would not reduce the combined territorial area, infrastructure, or number of customers. "You really can't make cuts like that without serious service disruption," he said. "The job cuts would result in degradation to the ratepayers," Kennedy said. "Another really important concern for us is the dilution of agricultural representation."

Kennedy noted that Rainbow ranks second among San Diego County water agencies in agricultural sales. "Water is very important to agriculture," he said. "They really enjoy having a board that's focused on their needs." Kennedy told LAFCO that Rainbow's agricultural sales exceed FPUD's total sales. "We're an agricultural agency. They're a water agency that sells to agriculture," he said. The board of the consolidated agency would have determined rates, although Brady noted that FPUD rates are lower than Rainbow's. "Rainbow agricultural rates will go down. That's just mathematics," he said. Although rate surveys for San Diego County's water agencies have listed Rainbow as among the highest for what the survey defines as the average water user, Kennedy countered that the average Rainbow customer uses 100 units (customers are billed in units of 100 cubic feet, or 748 gallons) and that while FPUD's rates are lower for usage of 50 units or fewer Rainbow has lower rates for 100 units or more. "It comes at a loss of local control and agricultural representation on the board," Kennedy said of the proposed consolidation. Kennedy cited a December 2014 presentation to the LAFCO board by Valley Center Municipal Water District general manager Gary Arant that jurisdictional or functional consolidation must include mutual support. "The climate isn't right," Kennedy said. "We need everybody on the same page."

Arant's presentation noted that distance or system integration issues could offset economies of scale. "The benefits can be very small or even illusory," Kennedy said. Arant warned that functional or jurisdictional consolidation must result in better service or economic savings to be successful. "It's bad public policy to just push it through for the sake of pushing through a merger," Kennedy said. "We believe that the outcome is more likely to be the opposite."

The citizens who spoke against the merger included Oak Crest Estates resident Jim Mauritz. "Nobody's talking about what's going to happen to our senior park," he said. The mobile home park for residents 55 and older has its own sewer plant, and the permit is grandfathered from current standards but references the Rainbow Municipal Water District. Mauritz told LAFCO that if the permit needed to be changed the park would no longer be grandfathered and the estimated cost for the 105 homeowners to upgrade the system would be \$250,000. "All of our residents there are seniors," he said. "They can't afford this kind of rate increases."

"Local control needs to be honored," said Rainbow resident Jerri Arganda. "We have no desire to be a part of Fallbrook's desire to expand."

Bonsall resident Joe Beyer lives in the Rainbow district but favors the proposal. "It seems to make sense," he said. Beyer noted that consolidation would need to protect Rainbow's employees from staff cuts. "We want to make sure that they can stay around as long as possible," he said.

FPUD board member Milt Davies was on the Fallbrook Sanitary District board before the merger with FPUD. Davies told LAFCO that the sanitary district was without a general manager in 1992 when FPUD general manager Gordon Tinker proposed a merger. The consolidation proposal had both board and resident opposition, but Davies noted that no issues have occurred since the merger. "It was the best thing that the sanitary district ever did," he said.

Tinker was also FPUD's general manager in 1990 when the DeLuz Heights Municipal Water District was merged into FPUD and thus was involved in two of FPUD's three mergers. "We never got a complaint afterwards," he said. (FPUD, which was formed in 1922, merged with the Fallbrook Irrigation District in 1937.) "The savings are real. They're going to be real here," Tinker said.

"The proposed merger of Rainbow and FPUD will provide for smaller and much more efficient local government," said FPUD resident and avocado grower Donna Gebhart. "I just believe that smaller government will trickle down to the consumer." (Gebhart had given Horn \$300 during his 2014 re-election campaign; prior to Gebhart's comments Horn returned \$51 of that so the \$250 threshold which would have prevented Gebhart from speaking or Horn from voting was avoided.)

"We are concerned about a loss of customer service," said Rainbow resident Tom Casey. "I think Rainbow does a very good job and we should just keep our local control," Casey said. "I think this is a classic case of solving a problem that does not exist."

Oshea Orchid represented the Rainbow employees' association. "It's clear Rainbow can provide more efficient and higher-quality service to ratepayers," she said. "Providing quality service to customers is the most important goal."

Jacob served on the Jamul-Dulzura Union School District board prior to her election to the Board of Supervisors. She noted that the Jamul-Dulzura students outperformed their large-district counterparts. "The outcomes we achieved were far better at less cost," she said. "Bigger is not necessarily better." Jacob has spearheaded the reorganization of fire protection services which has already included territory served by volunteer fire departments but not by a legal fire protection agency and five county service areas whose governing body was the Board of Supervisors.

The current LAFCO phase will consolidate the Pine Valley and San Diego Rural fire protection districts into the San Diego County Regional Fire Authority, and that has no known opposition. "Usually you find there's a problem that needs solving and we did find problems that needed to be solved in terms of fire and emergency services," she said. Jacob noted that none of the fire service consolidations were forced upon any district. "They all agreed they want to be part of CSA 135," Jacob said. "It's taking its natural progression in consolidation."

"Maybe another time in the future a formal merger may be appropriate," Sprague said.

Barnidge: Time to sound the alarm on Rodeo-Hercules Fire District budget problems?

[By Tom Barnidge Contra Costa Times Columnist](#)

Posted: **09/16/2015** 12:17:01 PM PDT Updated: about 22 hours ago

First responders are expected to be ready for any emergency, but I'm not sure even they are prepared for the smoke engulfing the Rodeo-Hercules Fire District's financial situation. Its annual operating budget, about \$6.5 million for the two firehouses it staffs, pencils out only because of \$940,000 expected from a special benefit assessment and \$1.2 million from a federal SAFER grant.

The benefit assessment is being challenged in court, and the federal grant expires at the end of 2016. The situation is of such concern to the Hercules City Council that last month it called upon Chief Charles Hanley to explain how he thinks this will all work out.

"I want to acknowledge that it's unusual for one elected body to discuss a budget controlled by another elected body," Councilman Bill Kelly said, "but of the 34,000 people that your district serves, 24,000 live in Hercules. We felt we should be asking some questions."

Foremost among those is what contingency the district has in place for the \$940,000 that will vanish if Hercules resident Thomas Pearson wins a lawsuit contending that the new fees -- \$82 annually for single-family homes; \$46.93 for condo and apartment dwellers -- are illegal because they'll pay for the same service as always, no special benefits to property owners.

Hanley, who's counting the days to retirement, didn't want to discuss the lawsuit. He said the district can survive without the money; there are other budget-balancing measures to explore.

He said the district has asked the Contra Costa Employees' Retirement Association to lower its annual payments on unfunded retirement debt by extending the amortization schedule to 30 years (a request as yet unapproved); the district plans to seek assistance from the state's Proposition 172 Public Safety Augmentation Fund (which always has been directed to law enforcement and, in all likelihood, still will be).

Both sounded like "Hail Mary" passes to Vice Mayor Dan Romero, who shared his thoughts in an email: "As Chief Hanley walked away from our discussion, I felt that he does not want the truth of the district's financial shortcomings public."

He won't get any argument from Ernie Wheeler, the newest director on the Rodeo-Hercules fire board, who figures the district will be at least \$300,000 in the hole if it loses the lawsuit. He saw this problem coming long before he was elected last year.

"This board started tapping into its reserves five years ago," he said. "At that point, they should have known there was a financial situation. They did nothing. They came back with this benefit assessment, which in my opinion -- I'm not speaking as a board member -- was back-doored. The people didn't understand it when they were asked to vote for it."

The last time the district landed on hard times, at the end of 2011, it cut nine positions and closed the Rodeo station. With the benefit assessment under attack and the SAFER grant expiring next year, Wheeler can see history repeating itself.

Bill Prather, the lone board member who voted against the benefit assessment, said the mess is such that the fire district needs to think about reinventing itself. He envisions a business manager overseeing the budget, improved efficiencies, a reduction in overtime and a refocus on service priorities. ("We do far more medical than fire calls.")

But that's a big-picture view for another day. There are big-time, short-term concerns. That's why Hercules City Council wants answers.

Contact Tom Barnidge at tbarnidge@bayareanewsgroup.com.

San Bernardino fire annexation top priority for commission



The Local Agency Formation

Commission for San Bernardino County voted unanimously on Wednesday to make proposed annexations into the San Bernardino County Fire Protection District its top priority. Photo by Ryan Hagen

By [Ryan Hagen](#), [The Sun](#)

Posted: [09/16/15](#), 4:58 PM PDT | Updated: 30 secs ago

[0 Comments](#)

SAN BERNARDINO >> The commission that's in charge of approving the city's bid to annex itself into the San Bernardino County Fire Protection District voted unanimously Wednesday to make that and two related applications its top priority.

That focus is meant to ensure the annexation process can be complete by July 1, 2016, rather than having to wait for the beginning of the next fiscal year 12 months later.

The applicants — San Bernardino, the Twenty-nine Palms Water District and Hesperia Fire Protection District — would then lose out on significant potential savings, said Kathleen Rollings-McDonald, the executive officer of the Local Agency Formation Commission for San Bernardino County.

And that budget assistance — [close to \\$12 million](#) in the case of bankrupt San Bernardino, according to city officials, between savings and a parcel tax that requires annexation to implement — is vital, said one LAFCO member [Jim Bagley](#).

“This is an economic crisis for these communities,” Bagley said. “And there really is nothing more important that we have right now.”

The proposals will most likely have public hearings in February, reconsideration in May, and begin the [protest process](#) in April. The annexation process is terminated if more than 50 percent of registered voters protest, and leads to an election if written protests are received from either 25 to 50 percent of registered voters or at least 25 percent of landowners who own at least 25 percent of the total annexation land value.

The commission also approved the hiring of consultant to help with the county fire reorganizations, particularly San Bernardino’s application. Robert Alrich, the former assistant executive officer of the Orange County LAFCO, will be paid up to \$75,000.

San Bernardino [voted 4-3](#) in August to move forward with outsourcing its Fire Department to county fire and implement a \$143-per-year tax on each of the city’s 56,000 parcels.

The county Board of Supervisors, which governs the county fire protection district, voted unanimously Tuesday to ask LAFCO to [begin proceedings](#) on the annexation.

Wednesday’s meeting took place in San Bernardino City Council chambers.

[San Diego Reader](#)



- **Tom** Kennedy, general manager of Rainbow Municipal Water District
- [Bonsall](#)
- [Fallbrook](#)
- [Neighborhood News](#)
- [Rainbow](#)

Back away from the water, Fallbrook

1 0

Rainbow water district survives takeover attempt

By [Ken Harrison](#), **Sept. 17, 2015**

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Water users in Rainbow and Bonsall finally feel like they've defeated a Goliath.

[A yearlong battle has ended, thwarting a takeover by the Fallbrook Public Utility District](#) of the mostly agricultural Rainbow Municipal Water District. The Local Agency Formation Commission (LAFCO) ruled on September 14 that Rainbow ratepayers, some 13,000 people, could keep their smaller water district. The ruling went against the commission's own staff recommendations.

Tom Kennedy, general manager of the Rainbow district, told the *Reader* that about 150 people showed up at the meeting. Reportedly, it was the largest attended meeting in the commissioner's recent memory. Over 700 emails and letters were received by agency formation commission. "Only 30 were in support of the merger," said Kennedy.

"There wasn't a problem that needed to be solved," said Kennedy. "It's was like two people who don't like each other being forced into a marriage."

Surveys had reported 20 to 1 in favor of keeping the Rainbow district locally controlled. The commission's staff reportedly thought there would be a ratepayer savings for both districts.

"We're an 80-square-mile district in rural San Diego County," said Kennedy. "We have a different cost structure than other districts and can't have some of the efficiencies larger districts do."

As an example, he noted the district has a lot of miles between pipes, so it takes their trucks longer to arrive at sites. According to Kennedy, Fallbrook's proposal of a cost savings also included firing 40 percent of the Rainbow district's work force.

Rainbow resident Jim Mauritz led the charge for his 105-unit Oak Crest Mobile Home Estates. His park has a contract with the Rainbow district in which the district services their rural sewer system. If Fallbrook took over the Rainbow district, the special-use permit from the state would have to be re-permitted and, probably, the system re-engineered, at a cost of at least \$10,000 per park resident.

Mauritz and 38 other park residents went to the meeting. "I felt good that in the commissioner's discussion, they brought up my points about the seniors," he said.

Going into the meeting, Kennedy said they felt they had at least three votes against the proposed merger but needed just one more. They ended up with five votes against the merger. San Diego County supervisors Bill Horn (who represents Rainbow) and Dianne Jacobs, along with San Diego councilwoman Lorie Zapf, Carlsbad councilwoman Lorraine Wood, and Vista Irrigation's Jo MacKenzie, voted against the merger.

It was a surprise to some that Escondido mayor Sam Abed voted for the takeover. A declared candidate for the 3rd supervisorial district, Abed, if elected next year, will govern alongside Horn and Jacobs.

(revised 9/18, 12:50 p.m.)

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Water district opposition growing, may sink plan

September 17, 2015

By DANIEL BLACKBURN

A county commission pushed forward a proposal to form a Paso Robles water regulatory district Thursday while its top executive deflected assertions that more than a thousand letters of opposition have been kept from public view. The Local Agency Formation Commission (LAFCo) gave a nod to the Paso Robles Water Basin district's concept and voted to put the plan before North County voters by an 6-1 vote.

Commissioner Roberta Fonzi cast the lone dissenting vote. An election may be set March 8, 2016, to determine if two-thirds of property owners in the potential district boundaries will approve a tax assessment to fund the district.

Each of the owners of property over the basin will have one vote, as specified in enabling legislation.

Opinion on the water district's formation is widely divided, evidenced by the flood of speakers who appeared at the LAFCo meeting. About a hundred people attended the meeting.

The number of overlying property owners publicly opposing the district's formation is undeniably growing, something LAFCo officials may have wanted to de-emphasize prior to the meeting: a thousand-plus letters were filed separately from the final staff report to commissioners.

Rancher Larry McGourty questioned the way LAFCo Executive Director David Church handled the letters:

"These letters are properly comment letters and should not have been filed separately. I fully expect that you will provide the commissioners with at a minimum a count and list of names so they have an accurate understanding that it is unlikely that this district will pass a formation vote," McGourty wrote in an email to Church this week.

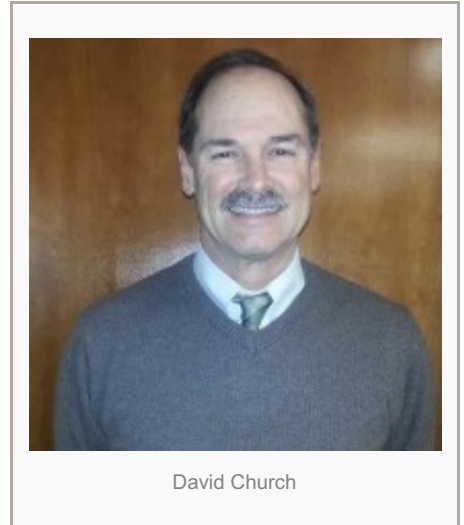
Church noted that the letters were available on the commission's website, but McGourty replied that it was "not sufficient."

"By now the count of these letters is in the thousands," he wrote, "and it should be evident to (LAFCo) that opposition is already nearing a critical mass for a 'no' vote."

North County landowner Julie McClosky told Church in another email, "This seems like an intentional act by LAFCo to dismiss the overwhelming opposition to the AB 2453 water district. It has a very strong appearance of impropriety. The *people* need to be made aware of these personal opposition letters, not just the commissioners."

In his report to the commission, Church downplayed the protests, responded selectively to certain assertions, and defended the proposed taxing mechanism as not being "illegal." He said the district is needed "to comply" with the state's recently-mandated Sustainable Groundwater Management Act (SGMA).

Opponents of the proposed district argue that it is not necessary in order to comply to state mandates.



David Church

County supervisors are split on the matter of the district's formation, but that hasn't prevented its staff from launching a veritable public relations program in support of the plan.

County Public Works Administrator John Diodati, who also serves as project manager for the Paso Robles basin water district formation project, outlined to commissioners a comprehensive, tax-supported "outreach program" that is being conducted to "educate" North County residents about the district plan.

Perhaps not coincidentally, a representative of the California Department of Water Resources stepped to the microphone to inform the crowd that the Paso Robles basin — as of this week — is in "critical overdraft." That particular determination has remained an essential ingredient in the formula for a successful effort to create a district. A report explaining methodology used in developing the timely determination will be made public in the near future.

Updated at 8:35 p.m. to reflect the correct number of commissioners.

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Updated: Sun, Sep 20, 2015, 5:25 pm
 Uploaded: Sat, Sep 19, 2015, 6:39 pm

Council: Danville won't further appeal SummerHill Homes case

Airbnb support, 'urgent' Camino Tassajara paving, IT manager resignation among other meeting topics

by Jeremy Walsh

The Danville Town Council has decided not to challenge a state appellate court's recent ruling in the lawsuit over the council's 2013 approval of a 69-home development in the northeast part of town.

The First District Court of Appeal determined Danville officials did not violate state planning law when approving the SummerHill Homes project at Magee Ranch, reversing a county judge's earlier finding that the town acted improperly when it rezoned agricultural land at the site during its approval process.

But the three-judge appellate court panel, in its Sept. 11 decision, agreed with the county judge's determination that the town violated state environmental law by failing to determine whether the proposed development had significant impacts on bicycle safety.

In a unanimous closed-session vote Tuesday night, the council decided it would not appeal the appellate court's decision, according to Geoff Gillette, town public information coordinator.

Save Open Space-Danville (SOS-Danville), the environmental group that sued the town over its approval of the housing project at the southeast corner of Diablo and McCauley roads, has not decided whether to challenge the court of appeal's ruling, according to spokeswoman Maryann Cella.

"No, we haven't decided yet," Cella said Thursday. "We have until 40 days from the Sept. 11 decision to file a petition for review to the California Supreme Court, and we won't be making our decision until then."

The SummerHill Homes project has remained in limbo amid the ongoing litigation.

The council's closed-session discussion and vote occurred after its 95-minute open-session meeting Tuesday night at the Town Meeting Hall.

In open-session business

* The council heard from three people speaking in favor of Airbnb and asking the town to continue allowing short-term residential rentals in Danville.

The speakers -- two town residents who rent rooms in their homes through Airbnb and a woman who uses Airbnb when commuting to Danville -- gave their comments during citizen input on non-agendized items. Council members said they could not respond because the issue was not listed on the meeting's agenda.

The trio's appearance Tuesday came one week after the council held a study session on the topic and directed staff to prepare a draft ordinance that would ban short-term residential rentals, city attorney Rob Ewing said in an interview after the meeting.

At the Sept. 8 study session, the council heard feedback from some residents concerned about Airbnb rentals in their neighborhoods, Ewing said.



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LMCHD

Press Release

Los Medanos Community Healthcare District's 2015 Summer Interns Get Hands-On Experience in the Real World

Local Foster Care Youth Diabetes Awareness Campaign won California Special District's Exceptional Outreach and Advocacy Award

Pittsburg, CA—This summer 7 transitioning foster care young adults were given a rare opportunity to put their education to work in the real world by developing a diabetes awareness campaign. Over the course of 6 weeks, the group "Healthy Youth Council" created the 'Impact Project: Impacting Our Community to Stop Diabetes.' The Healthy Youth Council researched diabetes in Contra Costa County, evaluated the

community's knowledge surrounding the issue, and conducted a focus group to gather the community's insights on what was needed to help those with diabetes and how to prevent future generations from being affected by Type 2 diabetes.

"Our mission is be the change we want to see by making a difference in our community," said one intern Annyanna McDuff. The group set out to increase awareness and measure the community knowledge on diabetes, provide diabetes education materials, and support Assembly member Beth Gaines' bill AB 572 which calls for the California Department of Health to create a Diabetes Action Plan for California. Justin Montanez summarized the goal of their project, "According to Contra Costa Health Services, diabetes is the seventh leading cause of death in Contra Costa, so we are naturally concerned about diabetes in our community. We want to send the message that diabetes is not a death sentence."

The LMCHD location was the ideal environment to conduct the diabetes awareness campaign. And, who better to communicate to the community about diabetes prevention than a group of young adults. The Healthy Youth Council had the opportunity to design an integrated marketing campaign (IMC) aimed at increasing awareness against diabetes. Awareness efforts completed by the Healthy Youth Council included: information table events to survey community residents, distribution of flyers for local diabetes prevention programs, conducting a focus group at the Pittsburg Senior Center, gathering signatures in support of AB 572, and filming a PSA regarding diabetes awareness. The group outreach efforts targeted residents of Pittsburg, Bay Point, Antioch, and surrounding areas. Additionally, The Healthy Youth Council decided to go where the people were and utilized the following community locations: Pittsburg Health Center, La Clinica, and the Pittsburg Senior Center.

Jules McClary stated "We surveyed over 200 residents and collected 128 signatures for the petition. Many residents shared personal stories on how living with diabetes affects them or a loved one."



The Healthy Youth Council (HYC) took their message to Sacramento and met with Assembly members Jim Frazier and Beth Gaines offices.

The program culminated in formal presentations by the Healthy Youth Council to the Pittsburg City Council, Assembly Members Jim Frazier's office and Beth Gaines' office at the State Capitol in Sacramento, and LMCHD's Board of Directors. The presentations were a unique opportunity for the young adults to develop public speaking and presentation skills, in addition to building self-confidence. To view the Health Youth Council's Public Service Announcement visit www.lmchd.org.

"For a young person, it is a life-changing experience to provide service on a project that carries not only personal meaning but concrete benefits to the community and our local government bodies as well," stated Melinda Harris, LMCHD's Intern Program Coordinator.



HYC held a focus group to discuss diabetes at the Pittsburg Senior Center

As a collaboration between Los Medanos Community Healthcare District, CCC Children & Families Services, CCCOE Foster Youth Services, and EMQ Families First, LMCHD's Summer Internship Program provides an opportunity for young adults transitioning from foster care into independent living to participate in its District sponsored summer internship program. Bobbi Palmer, LMCHD CEO stated, "This was an excellent opportunity to begin living out the District's Living Well, Living Long Resolution. Our Board of Directors are fully committed to preventative and public health efforts that promote and protect our residents' health." LMCHD's Summer Internship Program is designed to provide the young adults with an opportunity to participate in a project that will help bring awareness to their community, develop personal growth, and generate ideas on how the community can build a better tomorrow.

On August 20, 2015, The California Special District Association notified LMCHD that their 2015 Summer Internship Program's Impact Project is the recipient of the 2015 Exceptional Public Outreach and Advocacy Award. LMCHD representatives and the Healthy Youth Council will accept the award during the CSDA Awards Luncheon on Wednesday, September 23, 2015 at the Monterey Marriott Hotel, in Monterey.

Witten By: Melinda Harris, LMCHD

Contact: mharris@lmchd.org



Healthy Youth Council at LMCHD collecting signatures for their petition supporting AB 572. Left to Right: Charles Finney, Annyanna McDuff, Justin Montanez, Blanca "Rocky" Montanez, Estela Barrera, Juels McClary, and Melinda Harris (LMCHD Program Coordinator)

###

Los Angeles water company trying to purchase Delta islands

By Matthias Gafni mgafni@[bayareanewsgroup.com](mailto:mgafni@bayareanewsgroup.com)

Posted: 09/22/2015 08:16:41 AM PDT Updated: 98 min. ago



A giant Southern California water district is discussing the purchase of four Delta islands, including Webb and Holland tracts in Contra Costa County, in what critics say is an attempt to jump-start the controversial Delta tunnels project to send water to Los Angeles.

The Metropolitan Water District's real asset and property management committee is scheduled to meet behind closed doors Tuesday in Los Angeles to discuss the purchase of 37 parcels of Contra Costa land -- Webb and Holland tracts -- and 35 parcels of San Joaquin land -- Bouldin and Bacon islands.

The Delta Wetlands Project, a public-private partnership that previously bought the parcels from private landowners, had proposed an agreement to provide water storage on the land, and return two of the islands to wetland habitat. However, this potential sale has critics comparing it to the infamous Owens Valley water wars where a thirsty and burgeoning city of Los Angeles in the early 1900s built an aqueduct and acquired water rights through unsavory means.

"I find this really alarming," said Barbara Barrigan-Parrilla, Restore the Delta executive director. "Farmers, communities, and fishing groups that live in the Bay-Delta Estuary region feel like the potential takeover of land and water rights by the Metropolitan Water District of California is akin to what happened to landowners in the Owens Valley who found their communities and water taken secretly by Los Angeles interests."

Both Metropolitan Water and the Delta Wetlands Project declined to comment when reached by phone Monday.

"We're withholding comment until it's been presented to the board," said Bob Muir, spokesman for Metropolitan Water, the largest distributor of treated water in the United States.

According to the meeting agenda, the board will hear from their own negotiators and Delta Wetlands.

The Delta Wetlands Project is an Illinois-based public-private partnership for which Semitropic Groundwater Storage District, a Central Valley groundwater storage bank, is the lead agency. The partnership bought the four islands with the intention of turning Webb Tract and Bacon Island into reservoir islands during wet seasons -- essentially breaching the levees and flooding the islands -- to store 215,000 acre-feet of water. The other two islands, Holland Tract and Bouldin Island, would be converted into 9,000 acres of wetland and wildlife habitat.

Barrigan-Parrilla is suspicious of Metropolitan Water's motive for a purchase, since Bouldin and Bacon islands are aligned geographically with the current Delta tunnels plan to pump water to Southern California. She also said buying land for those purposes was premature since the Delta tunnels plan was still in its environmental review process and the Delta Wetlands Project accord would be violated.

"Now we have a selling out of that. Now it's going to the tunnels and that's not what was negotiated," Barrigan-Parrilla said. "It feels like a complete betrayal."

Farmers have long been concerned with the Delta Wetlands plan -- a "25-year-old zombie," the San Joaquin Farm Bureau Federation has called it -- as it would turn agriculture into wetlands.

And any potential Metropolitan Water land purchase only "crystallizes" a move toward tunnels, said Bruce Blodgett, the Farm Bureau's executive director.

"We have had our differences with Restore the Delta," he said, "but one thing we agree on is the tunnels would be bad for the Delta."

Contact Matthias Gafni at 925-952-5026. Follow him at [Twitter.com/mgafni](https://twitter.com/mgafni).



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Published **September 23rd, 2015**

MOFD and ConFire to Go Separate Ways

By Nick Marnell

It may be just as well that fire station 46 never got off the ground.

Contra Costa County Fire Protection District chief Jeff Carman told his board Sept. 15 that he received a second opinion from a contractor concurring the feasibility of rebuilding station 16 in Lafayette, and that he awaits a report later in September from a structural engineer. The chief earlier presented to the board his desire to reopen station 16, scuttling plans with the Moraga-Orinda Fire District to combine station 16 with MOFD station 43 into a new station 46. MOFD chief Stephen Healy then recommended that his board memorialize the station 46 program.

"After listening to some of the comments from (the MOFD) board meeting, I think we made the right decision to move ahead on our own," said Carman. "The differences in the two organizations would have been problematic, so I'm happy that fire station 16 presented itself as an opportunity." MOFD director Fred Weil had commented that he did not want the district to hold on to the property it purchased as a site for station 46 in hopes that ConFire may come back to MOFD to reignite the partnership. "If the county came back next month and said, Yeah, let's go on with 46, it would just be more evidence that they are an unreliable partner," he said.

With the approval of the repairs to station 16 a near certainty, MOFD turned its attention to its own dilapidated station 43 in north Orinda.

"We need to get moving with this," said Weil at the Sept. 16 district meeting.

Healy confirmed that the current location of station 43 was the best site available for a fire station in the north Orinda area. He noted that four houses are for sale within a mile of station 43, and that the district geographic information system model showed that the station 43 site won out over the other four. "It would be hard to find a better location," said Healy.

Architect Alan Kawasaki estimated that the remodel of the station will cost \$4 million. "Nothing about station 43 meets any standard of a fire code," he said. The district has invested more than \$320,000 in the fire station remodel since 2011.

Board president Alex Evans said he was unsure that the district could afford sinking so much money into the station 43 project. "I don't want to have a nice fire station, and down the road, I can't afford the firefighters," he said.

MOFD union representative Mark DeWeese also questioned the proposed spending on station 43.

"The union's base salaries have lagged inflation and are only around 5 percent greater than they were in 2006," he said. "Before our board spends \$4 million to totally rebuild a station that is currently functioning, and has been for decades, we feel they should save the money for more pressing needs. The board's priority should be toward investing and restoring the district's most important asset, its human capital."

Healy plans to deliver to the board in October his specific recommendations for the station 43 rebuild, including contract details, financing options and the project timeline.

Reach the reporter at: nick@lamorindaweekly.com

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Published **September 23rd, 2015**

Former MOFD Chief Stripped of \$1.2 Million

By Nick Marnell

The Contra Costa County Employees' Retirement Association board Sept. 9 lowered former fire chief Peter Nowicki's pension by \$1.2 million after it established that his retirement benefit was improperly increased by his own actions. The board determined that the former chief of the Moraga-Orinda Fire District engineered retroactive changes to his contract that resulted in improper retirement benefits and the district board, knowing Nowicki was soon going out the door, went along with the changes.

Nowicki signed on as MOFD fire chief in July 2006, and the district added amendments to his contract in February 2008 and December 2008, allowing the chief to sell back vacation leave, administrative leave and holiday pay. The chief retired Jan. 30, 2009, and according to CCCERA, the cashed-out perks granted in 2008 improperly inflated - "spiked" - his retirement benefit. "That was not the intent," said Nowicki, who spoke to and answered questions from the CCCERA board members for nearly three hours. "It was not my decision to grab and run out the door. It looks bad from your side, but from my side, I needed to get out."

Harvey Leiderman, fiduciary attorney for CCCERA, saw it otherwise. "We have the authority to correct errors if the member improperly caused the benefit to be increased or overstated at the time of retirement," he said. "There is no question the member actively engineered these retroactive benefits." Leiderman also said that the fire district board conducted the Nowicki negotiations in closed sessions, in violation of the Brown Act, and he blamed the MOFD board for being slow to respond to a records request for the hearing.

"This is between CCCERA and Nowicki," said MOFD board president Alex Evans. The district did not send a representative to the hearing.

"As to Brown Act issues, I should note that the agreements with Mr. Nowicki were presented and approved in open sessions so I have to disagree with suggestions that the MOFD board operated without openness," said Fred Weil, the only current MOFD director also on the board in 2008. "Mr. Leiderman, whose theories are based on suppositions, never attended any of those meetings, so it is difficult to understand how he can properly comment on what went on, who attended what meetings, what was said, or what the MOFD board should have done."

Former MOFD director Brook Mancinelli attended his first district meeting as a board member in December 2008. "I was assured by members of the board that Nowicki's contract was a long time in the works," he told the CCCERA board. "I don't agree with the fact that it was done maliciously. And I had no idea the chief would be retiring."

Nevertheless, the retirement board voted to cut Nowicki's annual pension of \$240,923 to \$172,818, and ordered him to return more than \$600,000 in overpayments. The cost savings by correcting future overpayments was projected at over \$1.2 million.

Had the MOFD rank and file been at the CCCERA meeting, they may have jumped to the ceiling.

"I'm glad it happened to Nowicki," said district union representative Mark DeWeese. "The retirement board hearing and ruling validates our union's consistent belief that there was improper behavior from both our board at that time and Nowicki."

As the ruling means that Nowicki has exhausted all of his administrative remedies through CCCERA, it is likely that his pension reduction will be subject to litigation.

Neither current MOFD chief Stephen Healy nor Contra Costa County Fire Protection District chief Jeff Carman may sell back unused, accrued vacation time.

Reach the reporter at: nick@lamorindaweekly.com

Published **September 23rd, 2015**

Nowicki: I Followed the Rules

By *Nick Marnell*

Pete Nowicki in 2007 Photo A. Scheck

For a man who five days earlier had his pension reduced by over \$1 million, Pete Nowicki did not appear angry or bitter. Rather, the former Moraga-Orinda Fire District chief said that he felt disrespected and hurt. Disrespected, after the work that he did for 26 years at MOFD, and that he was punished for doing what he was told to do by the Contra Costa County Employees' Retirement Association. And hurt, over how he has been portrayed.

"Absolutely, I feel disrespected," said Nowicki during a Sept. 14 interview. "CCCERA counseled me on what to do, on how to get what I was entitled to. I followed the rules. Then, 'No, we changed our mind, and we're going to take back the deal.' How can they do this?"

Nowicki said he was surprised to receive the Aug. 5 letter from CCCERA, summoning him to a Sept. 9 hearing at which the retirement board was to consider adjusting his retirement allowance. "No, I did not see it coming at all," said Nowicki. "Now

I've got four weeks to find a lawyer and develop an appropriate response. I didn't know I could have asked for a delay."

Nowicki said he felt he had no chance at that hearing. "I felt I was singled out, that this was media and politically driven," he said. He said he is frustrated that he has been unable to convey his position: That he was offered the job of MOFD fire chief in July 2006, and that his original contract did not include sell-back of vacation leave or administrative leave. "The board said they would do annual reviews, and that they would make me whole," he said. "They did exactly what they said they would do."

The district added vacation sell-back rights to his contract in July 2007, but the terms were not finalized until February 2008. "The MOFD board was dysfunctional in getting things done in a timely fashion," said Nowicki. "Shame on them. But they told me it would be retroactive to July. I trusted them, and they did it."

The second amendment to his contract, allowing more sell-back rights, was not finalized until December 2008. Nowicki retired Jan. 30, 2009. The CCCERA board pointed to that retirement date as one of the factors contributing to the improper increase of his pension.

"My biggest mistake was not demanding that those perks be put into the original contract," said Nowicki. "I regret that." He said that he asked MOFD director Fred Weil for an affidavit, stating what the board originally promised Nowicki, but that Weil did not respond. (Weil declined to comment, saying that the status of the former chief's pension "is likely to be the subject of litigation.")

"Of course it hurts," said Nowicki. "It's absolutely awful. I've had a lot of sleepless nights. Six years out of retirement, it overwhelms me, my family, my friends. It's a horrible position to be put in.

"I know the sentiment of the public. Here's this guy coming out of the fire department, making all of this money. It's got to be something I did wrong. But I didn't. I didn't set those standards."

With the retirement board having voted to cut back his pension \$1.2 million - the projected savings by correcting future overpayments - Nowicki has exhausted his administrative appeals

through CCCERA, and he said that he is talking to an attorney.

"I find it equally demeaning and dishonoring to be put in this position, especially after having served the fire district the very best I could for 26 years and having followed all of the rules and direction that was given to me by CCCERA," he said.

"It's shameful."

Reach the reporter at: nick@lamorindaweekly.com

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Barnidge: Critics says Lafayette residential development is too large -- and too small

[By Tom Barnidge Contra Costa Times Columnist](#)

Posted: **09/23/2015** 10:00:35 AM PDT Updated: about 19 hours ago

Truth is not only stranger than fiction; sometimes it's more perplexing.

We refer you to a residential project in Lafayette, across from Acalanes High School, that's been on the approval treadmill for 4½ years, evolving from a 315-unit apartment complex (the Terraces of Lafayette) into a 44-home subdivision (the Homes at Deer Hill).

We thought we'd heard every argument against the development. Not so, it turns out.

"We've received one lawsuit from a local group called Save Lafayette," said City Manager Steve Falk, "and they're attempting to stop the project because it's too big. We've been threatened with another lawsuit from the San Francisco Bay Area Renters Federation -- their effort is called Sue the Suburbs -- and they argue that the project is too small. They want the 315-unit apartment project to be built."

So there's room for everyone on this issue. Fee feel free to pick a side. The development will provide homes for too many residents or it won't provide homes for enough. Lafayette, which formerly was located between Walnut Creek and Orinda, now can be found between a rock and a hard place.

Falk, who's been at his job for 25 years, said it's not unusual to see people agitated over land-use issues. Many years ago, residents were upset over a proposed health club at the western end of town. About 15 years ago, the firestorm was over reconfiguration of a small park at the intersection of Moraga Road and Mt. Diablo Boulevard.

Controversies are bound to pop up in a town with residents as involved as Lafayette's, but it's not often that projects get attacked from both sides -- for being too little and too much.

Save Lafayette contends the city has understated the environmental impact of a new subdivision and has diverged from its general plan by rezoning the land for residential use. Sue the Suburbs alleges Lafayette has ducked its state-mandated responsibility to provide affordable housing by forgoing rental units for costly single-family homes.

"I can understand people's concerns about environmental impacts," Falk said, "but the Sue the Suburbs effort strikes me differently. We spent \$5 million in the last 10 years to deliver affordable housing. We recently opened a 46-unit project with Eden Housing where all units are for very low income people. We've insisted on 15-20 percent inclusionary affordable housing for all big downtown projects for the last 20 years.

"I think they're suing the wrong suburb."

Maybe the truth will win out. Now that would really be strange.

Contact Tom Barnidge at tbarnidge@bayareanewsgroup.com.

Saving water: East Bay residents continue to conserve at high levels

By Denis Cuff dcuff@bayareanewsgroup.com

Posted: 09/25/2015 04:49:31 PM PDT Updated: about 7 hours ago

Drought-conscious East Bay residents kept up their big water savings in August, conserving the resource at much higher rates than state demands for the third month in a row.

The area's six water suppliers slashed use at rates ranging from 27 to 42 percent below consumption in August 2013, as people continued to throttle down use for lawns and plants.

The August savings rate slipped a little for five of the six suppliers -- a drop of 2 to 7 percent, the water agencies reported in a survey by this newspaper.

But the savings rate still was significantly higher than the state-ordered reduction rates of 12 to 28 percent for individual districts.

Water officials are pleased.

"This shows our customers are taking the drought seriously and doing what we asked for three summer months in a row," said Abby Figueroa, a spokeswoman for the East Bay Municipal Utility District. "We really need this conservation in the hot summer, when we typically get the biggest demand, but we also have the biggest potential to save."

Even with predictions of a wet El Niño winter ahead, officials say it's too soon to know if the drought is about to end.

The East Bay district's 1.3 million residents reduced use 27 percent in August, a slightly less aggressive rate than the 31 percent in June and July. EBMUD has asked customers for a 20 percent cut, and the state has ordered the district to cut back at least 16 percent.

The Contra Costa Water District reported a 40 percent drop in August among its nearly 200,000 Central County residents. This was the third month in a row with such a high rate.

The Alameda County Water District's 330,000 residents in Fremont and Newark cut use 33 percent in August, a slight decrease from the 36 percent reduction in July. The district has a 16 percent state reduction target.

The biggest August saving rates were in the Tri-Valley, an area that imposed drought rates last year, earlier than most of California.

The Dublin San Ramon Water Services District reported a 42.5 percent reduction in August. The rate was 44.5 percent in July, the district's peak month for conservation this year.

The state has ordered Dublin San Ramon to reduce 12 percent.

"We are achieving 30 percent more conservation than the state has told us we must meet," said Dan Gallagher, the district operations manager. "We have been extremely pleased with our customers' hard work."

Pleasanton residents cut use 40 percent in August, less than the 47 percent savings rate in July and 48 percent in June. The city has been ordered by the state to cut back 24 percent.

Livermore water customers slashed use 36 percent in August, not as aggressive as the 42 percent rate in July. Livermore faces a 20 percent reduction ordered by the state.

Many residents made big cuts in outdoor water use this summer -- like Danville resident Wellington Lim.

He trucks in free recycled water from the Dublin San Ramon district's sewer plant in Pleasanton to irrigate his front and back lawns. The result: His household water use stays at about 250 gallons a day in summer for a family of four.

"We take shorter showers," Lim said, "but I think the biggest difference is the recycled water for irrigating landscaping."

The Dublin San Ramon district has no plans to close the reclaimed water station at its Pleasanton sewer plant any time soon. More than 3,100 people are signed up to use it.

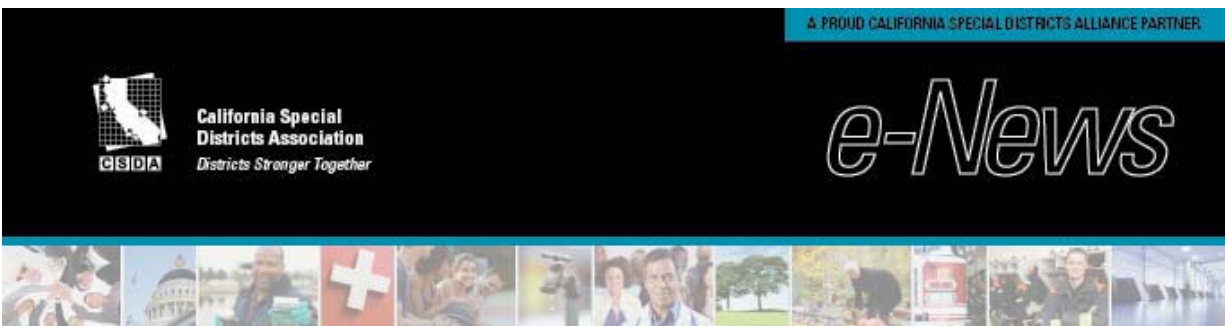
Livermore plans a seasonal shut down of its recycled-water fill station on Wednesday for the fall and winter.

"As we move into cooler fall and winter temperatures, the supplemental recycled water for irrigation should not be necessary to keep landscaping alive," said Darren Greenwood, Livermore's public works director.

Water officials suggest that as days become cooler and shorter, customers consider resetting their sprinkler controls to water once a week. State rules bar homeowners from running sprinklers more than twice a week.

"If you have automatic sprinkler controls, it's good to check them in the next couple of weeks and consider how often to have them run," said Jennifer Allen, a spokeswoman for the Contra Costa Water District.

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



Local Fire Districts Battle Fires and Request Veto

In the midst of one of the worst fire seasons in recorded history, 18 fire agencies have now sent letters to Governor Jerry Brown requesting his veto of [Senate Bill 239 \(Hertzberg\)](#). This bill will limit the ability of fire agencies to contract together for services for the provision of fire protection services. It requires all such contracts be approved by local agency formation commissions (LAFCo) and mandates that each agreement undergo a costly fiscal analysis. Local agencies are currently able to contract together for services without LAFCo approval if no new services are being provided. As noted in CSDA's [request for veto letter](#), SB 239 limits local control and could disrupt fire service entirely in some situations.

While SB 239 awaits action, fire agencies are responding to severe fire conditions. The governor has issued states of emergency in the counties of Amador, Calaveras, Lake, and Napa due to the [Butte](#) and [Valley](#) fires, which have resulted in loss of life, as well as burned thousands of acres of land, caused the evacuation of residents and damaged highways and other critical infrastructure.

A total of over 140,000 acres have burned between the two fires in five different counties. A coordinated effort between CalFIRE and local agencies has been conducted to contain the blaze and provide food, water and shelter to displaced residents. A synchronized effort has been paramount to protecting the health and safety of those communities threatened by this natural disaster.

Register your SB 239 veto request today. Download a template letter [here](#).

[California Special Districts Association](#) | 1112 I Street | Suite 200 | Sacramento, CA 95814 | 877.924.CSDA (2732)



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State Initiates First Mandatory Consolidation

A [new webpage](#) has been created by the State Water Resources Control Board (Water Board) to keep the public and stakeholders informed of actions related to state mandated consolidations and extensions of service for disadvantaged communities. This webpage provides public access to letters issued to water systems relating to consolidation or extensions of service, and provides a Frequently Asked Questions (FAQ) document explaining the consolidation or extension of service process.

The water system consolidation program was established by Senate Bill 88 earlier this year. The program allows the Water Board to require certain water systems that consistently fail to provide safe drinking water to consolidate with, or receive an extension of services from, another public water system.

In its first actions under the new authority, the Water Board issued letters ordering the consolidation of a the Pratt Mutual Water Company and Soult's Mutual Water Company into the City of Tulare water system. These letters and more can be found at the new Water Board [webpage](#).

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Governor Signs AB2 Allowing for a New Tool to Combat Blight in Disadvantaged Communities

9/30/2015 by Todd Williams | Wendel, Rosen, Black & Dean LLP

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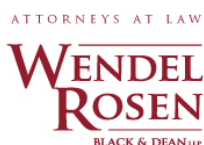
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After rejecting earlier attempts to revive redevelopment, Governor Jerry Brown signed Assembly Bill 2 on September 22, 2015, creating a new process to allow local governments to address blight in economically disadvantaged communities. The law permits the formation of a new public body called a “Community Revitalization and Investment Authority” (CRIA). While CRIsAs have a similar aim as former redevelopment agencies, the scope of AB2 is a scaled-down version of the redevelopment system that Brown helped dissolve four years ago.

A stated purpose of the new law, which goes into effect in January 2016, is to permit cities and counties to invest in “disadvantaged communities with a high crime rate, high unemployment, and deteriorated and inadequate infrastructure, commercial, and residential buildings.” CRIsAs will have comparable powers as the former redevelopment agencies, including issuing bonds, providing affordable housing, adopting area plans, and eminent domain power, but circumstances in which a CRIA can be formed are narrower than redevelopment agencies in an attempt to avoid what many perceived was an overuse of redevelopment in areas not truly blighted.

Formation: Under the law, there are two ways a CRIA can be formed.

First, a city, county (or city and county jointly) may create a CRIA (to be governed by a five-member board appointed by forming agency).
Second, a city, county, or special district (or any combination) can form a CRIA through a joint powers agreement with the CRIA administered by members of the legislative bodies of the agencies that created the CRIA. In both situations, the five-member CRIA board must consist of three members of the legislative body of the agency that created the CRIA, as well as two members of the public who live or work in the area.

Some public agencies cannot take part in a CRIA. School entities and redevelopment oversight boards may not participate in a CRIA, nor may a public agency that has not yet completed the wind-down process of its redevelopment agency and received a finding of completion from the California Department of Finance.

Qualifications and Public Process: A CRIA must adopt a “community revitalization and investment plan” for its “community and revitalization and investment area.” At least 80% of the area designated is required to have an annual median household income less than 80% of the statewide annual median income, and must meet at least three of four conditions:

- (1) Unemployment is at least three percent higher in the area than the statewide median unemployment level;
- (2) The crime rate is five percent higher than the statewide median crime rate;
- (3) The area has deteriorated or inadequate infrastructure; and
- (4) The area has deteriorated commercial or residential structures.

In the past, redevelopment agencies simply needed to prepare a study to support a finding that “blight” (which carried a broad and varied definition under the law) existed in a project area. This allowed local governments broad powers to create redevelopment areas in areas that

were neither disadvantaged nor objectively blighted, and freeze the property tax base in order to retain property tax increases regardless of whether they were due to any actual redevelopment.

The CRIA's plan must be considered at three public hearings held 30 days apart. The first is to hear public comments; the second is to consider additional comments and modify or reject the plan; and the third is to conduct a protest proceeding where the board considers written and oral protests to the plan's adoption by property owner and residents, and ultimately makes a decision to terminate or adopt the plan. However, similar to annexation procedures under local agency formation commission laws, the plan will only be rejected if protests have been filed by over 50% of the property owners and residents in the area. If only between 25% and 50% of property owners and residents file protests, an election must be called to confirm the plan. If less than 25% of property owners and residents file protests, the board can adopt the plan at the third hearing. A new protest proceeding must be held every 10 years during the life of the plan.

CRIA Powers: A CRIA's has the ability to do all of the following: (1) fund rehabilitation, repair, upgrade or construction of infrastructure, (2) provide low and moderate-income housing, (3) remedy hazardous waste, (4) provide seismic retrofitting to existing buildings, (5) acquire and transfer real property, (6) issue bonds, (7) borrow money, receive grants or accept financial assistance, (8) adopt a community revitalization and investment plan, (9) make loans or grants for rehabilitation or retrofitting of buildings in the area, (10) construct structures necessary for air rights, and (11) provide direct assistance to businesses in the plan area in connection with new or existing industrial or manufacturing facilities.

Like former redevelopment agencies, a CRIA's plan may also provide for the receipt of tax increment funds, i.e., CRIs would freeze the property tax base of the area at the time of plan approval, and retain the increased tax increment for use on specified activities. However, the taxing entities in the plan area must agree to divert tax increment to the CRIA, thus providing a greater voice to such entities than was available

under the former redevelopment law. At least 25% (up from 20% in under redevelopment law) of all tax increment revenues received by the CRIA must be deposited into a separate low- and moderate-income housing fund to be used by the CRIA to increase, improve and preserve the community's supply of affordable housing.

Special Rules Regarding Low Income Housing: If the plan calls for the destruction or removal of low- or moderate-income housing, the CRIA must provide an equal number of replacement units for sale or rent to low- or moderate-income persons and families within two years. The plan must also include a relocation plan for displaced persons. Also, the number of housing units occupied by extremely low, very low- and low-income households may not be reduced during the plan's lifetime.

Conclusion: While the application of AB2 is narrower than the former Community Redevelopment Law, it provides cities and counties with an additional tool to help fund improvements for infrastructure, affordable housing and economic revitalization in disadvantaged communities.

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Money woes imperil Contra Costa fire districts

Updated: 10/04/2015 03:55:52 PM PDT

ContraCostaTimes.com

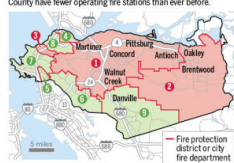
BRENTWOOD -- The Great Recession has widened the gap between Contra Costa's rich and poor fire agencies, leaving several areas with fewer stations and slower emergency response times and the entire county less equipped to handle a disaster as an already destructive fire season grinds on.

While most fire agencies across the county are getting their fiscal houses in order after years of belt-tightening, the East Contra Costa and Rodeo-Hercules fire districts face continuing financial hardship, exacerbated by low tax rates and property valuations that are still below pre-recession levels.

A county board is commissioning a study focused on finding solutions for the districts, whose average response times last year were nearly two minutes slower than before the recession.

Fewer fire stations

Huge fire-prone swaths of central and eastern Contra Costa County have fewer operating fire stations than ever before.



Fire agencies with closed stations	Number closed	2007 Median response time	2014 Median response time
Contra Costa County Fire Protection District	4	5 min, 23 sec	5:27
East Contra Costa Fire Protection District	5	5:46	7:21
City of Pinole	1	5:01	5:30

Fire agencies with no closed stations	2007 Median response time	2014 Median response time
Crockett-Carpunaz (volunteer district)	6:52	5:47
City of El Cerrito (Kensington)	4:25	4:23
Orinda Moraga Fire Protection District	4:54	4:56
City of Richmond	4:52	5:07
Rodeo-Hercules Fire Protection District	5:24	7:39
San Ramon Valley Fire Protection District	5:17	5:30

*One station closed for part of 2014
Note: The East Bay Regional Park District and CalFire each staff one station in Contra Costa County
Sources: Fire agencies; Contra Costa Local Agency Formation Commission
SAN ANGELES NEWS GROUP

Staffing is especially low in East Contra Costa, which has had to close five of the eight fire stations it operated in 2008. With only 10 sworn firefighters per shift covering a parched 249 square miles, including Brentwood, Oakley and Discovery Bay, the district must call for help from other fire protection departments, sometimes from as far away as Tracy, simply to put out a fire.

"Everybody is concerned," Oakley Mayor Doug Hardcastle said. "And anyone who's not concerned needs to have their head examined."

The upcoming study will be undertaken amid a larger debate over the level of fire service communities should expect in an era of tighter budgets, and whether the best remedy is more taxpayer money or a retooling of fire departments, which mostly respond

to medical calls.

Ernie Wheeler, a Rodeo-Hercules board member and retired assistant chief at Travis Air Force Base, said staffing wouldn't be an issue if firefighters went back to focusing on fires and let ambulances handle medical calls. A relaxation of state-mandated training requirements for reserve or volunteer firefighters, he said, would also help boost manpower.

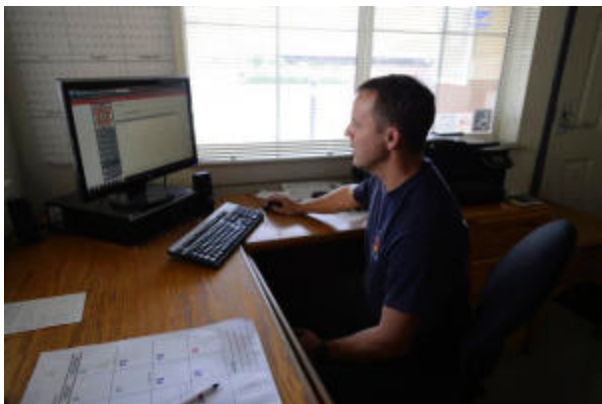
"At some point, we lost a sense of what a fire district really needs," he said.

For Contra Costa Fire Protection District (ConFire) Chief Jeff Carman, whose agency has shuttered four of its 28 firehouses and has 18 fewer firefighters working every shift since the recession, the biggest need is more Costa full-time firefighters.

If East Contra Costa or Rodeo Hercules don't pull their weight, he said, that strains other agencies, especially when there's a major incident.

"When you run out of fire engines, you shouldn't expect that someone will always come to the rescue," said Carman, who runs the county's largest fire district -- which often struggles with its own call volume. "We're the fifth-most industrialized county in the state, and we live on earthquake faults. We do not have enough firefighters."

Overall, Contra Costa is home to 11 firefighting agencies that staff 57 stations daily -- 10 fewer than in 2008.



East Contra Costa firefighter captain Robert Ruddick, of Station 52, works on a desktop computer in Brentwood, Calif., on Monday, Sept. 28, 2015. Over the

Cities impacted by reduced staffing include wildfire-prone Lafayette and south Walnut Creek, where ConFire closed stations with low call volumes. In West County, Pinole closed one of its two stations, and Rodeo-Hercules, which is dependent on a soon-to-expire grant, could be forced to once again close its Rodeo station, leaving just one open.

Nevertheless, median response times have held relatively steady except in East Contra Costa and Rodeo-Hercules, where they jumped from about 5½ minutes before the recession to more than seven minutes last year -- by far the slowest in the county.



East Contra Costa firefighter captain Robert Ruddick, of Station 52, poses for a photograph in Brentwood, Calif., on Monday, Sept. 28, 2015. Over the past

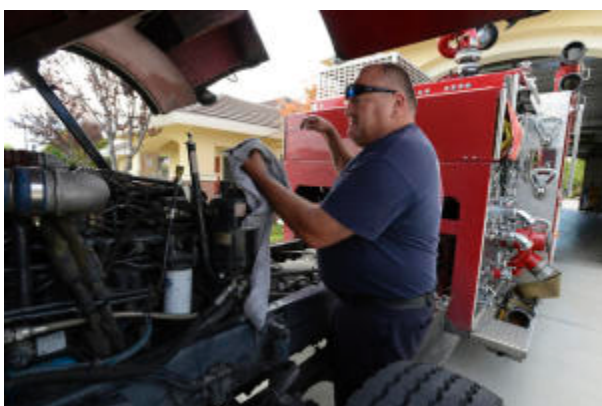
Firefighters say every second counts in an emergency, but it's difficult for them to quantify the impact of slower response times in terms of fighting fires and responding to medical calls.

Rodeo-Hercules Chief Charles Hanley pointed to a 9-acre fire this summer just outside his district in rural Martinez that burned down a house, killing a dog inside, as an example of the impact of nearby station closures.

"That fire wasn't contained quickly," Hanley said. "The more water and more people you get there, the faster the fire is

going to go out."

East Contra Costa Chief Hugh Henderson said his fire engines are now frequently being beaten to emergency calls by ambulances. ConFire, by comparison, arrives before the ambulance 50 to 70 percent of the time, Carman said.



East Contra Costa engineer Larry Bennett, of Station 52, checks the engine oil of the fire truck in Brentwood, Calif., on Monday, Sept. 28, 2015. Over

Starting next year, ConFire's dispatch center will be able to track available ambulances, which Carman hopes will reduce by about 25 percent the number of engines sent to minor medical calls.

Still, he said, it would be prohibitively expensive to get private ambulances to respond to all medical calls.

East Contra Costa and Rodeo-Hercules' money woes date back nearly 40 years to Proposition 13, which set in stone the share of property taxes earmarked to local government entities such as cities and schools.

At the time, both communities were mostly undeveloped and didn't need to devote much money to fire protection. As a result, East Contra Costa receives 8 percent of that tax revenue. Rodeo-Hercules gets 9 percent, although some of it goes to pay off the debt of Hercules' former redevelopment agency.

By contrast, ConFire is slated to receive 14 percent, the San Ramon Valley Fire District 15 percent, and the Orinda-Moraga Fire District 21 percent.

East Contra Costa's fiscal problems turned dire when the foreclosure crisis hit in 2008, devastating its already paltry property tax base. While foreclosures weren't as big a problem in Rodeo and Hercules, the assessed value of the Phillips 66 oil refinery in Rodeo was nearly halved during the recession, costing the fire district about \$900,000 per year, officials said.

"As a fire district, we rely heavily on property values," San Ramon Valley Fire District Chief Paige Meyer said. "And the fact is that our property values weren't hit as hard as others."

With a bigger, more stable tax base, Meyer's district and the neighboring Orinda-Moraga Fire District were able to keep stations open even as they dealt with multimillion-dollar budget deficits and spiraling pension costs during the recession. Likewise, city fire departments in El Cerrito and Richmond, both of which have special taxes supporting them, have kept services intact.

But the wealthier departments have no interest taking over their poorer neighbors.

Rodeo-Hercules couldn't find any takers recently when it explored contracting out for services or consolidating with a neighboring agency.

"Why would anyone take on our problems?" Hanley said.

Henderson said fire agencies have less incentive to join forces these days because they have already thinned out their upper management and support staff.

"A lot of those economies of scale can no longer be achieved," he said.

For now, Rodeo-Hercules' financial future is primarily tied to a \$900,000-a-year special tax that property owners approved but has been challenged in the courts.

East Contra Costa property owners twice rejected a similar tax proposal. Leaders are gearing up for another tax measure, while also working on a temporary plan to open a fourth station until the election using funds from Oakley, Brentwood and the county.

For Supervisor Mary Piepho, of Discovery Bay, a tax hike is the only solution. "The question is how do we gain (the voters') trust and how do we explain to community members that this is dire?"

Contact Matthew Artz at 510-208-6435.

NEWS

OCTOBER 4, 2015

National leaders in ag preservation gather in Modesto

HIGHLIGHTS

American Farmland Trust board discusses anti-sprawl efforts in county

Ballot measures, ag land mitigation are among tools

County's \$4.4 billion in gross farm income last year draws attention

BY JOHN HOLLAND

jholland@modbee.com

National leaders in farmland preservation learned Sunday of efforts in Stanislaus County to keep sprawl at bay.

The board of the American Farmland Trust heard about ballot measures that direct housing to less productive soil and about requirements for at least an acre of preserved agricultural land for every acre annexed to a city.

Veterans of the land use battles told of pressure over the past four decades from the building industry, which went through a few booms and busts while farming generally prospered.

“Clearly, you’ve decided that the better use is agriculture here, and that’s a big hurdle to get over,” said Ralph Grossi, a Marin County rancher who spent 23 years as president of the trust and now is its interim leader.

The group, based in Washington, D.C., announced Sunday its support for a Nov. 3 ballot measure in Modesto that would require a future vote for development to the north, west or south, except for a zone near Salida.

The board visited with Jake Wenger, a nut grower and Modesto Irrigation District director, before meeting at the downtown headquarters of the Stanislaus County Farm Bureau. The trust’s annual meeting is Monday in Sacramento.

Sunday was the first board gathering for member Gina Gallo, a third-generation leader of E.&J. Gallo Winery in Modesto. She succeeded her brother, Tom Gallo, at the trust. Their father, Bob Gallo, was on the board previously.

“Everyone here is passionate,” Gina Gallo said afterward. “The Central Valley is the best in America for food – 230 different products that are planted here.”

Gallo, who now lives in Napa, recalled growing up in a Stanislaus County that had much less development, including the homes built for Bay Area commuters in recent decades.

The meeting came five days after the release of the county’s 2014 crop report, which estimated

gross farm income at a record \$4.4 billion.

“Our county is bigger than 20 other states in the U.S.,” said Wayne Zipser, executive manager at the Farm Bureau. “It’s quite remarkable what we do.”

The growth debates go back at least to the late 1970s, when Modesto started to put major sewer extensions before voters in advisory measures. More recently, voters countywide decided to require a vote of the people before unincorporated land is developed for housing.

Hughson Mayor Matt Beekman said residential growth costs much more in public services than it brings in taxes, compared with other types of development. His city requires 2 acres of preserved farmland, rather than the 1-acre standard set by the Stanislaus Local Agency Formation Commission, which rules on annexations.

Beekman served on LAFCO until July, when a majority of other mayors ousted him over his vote on fees that builders can pay toward farmland preservation.

Modesto Mayor Garrad Marsh said his city is among the densest in the Valley thanks to ag preservation, and it has enough room in its current growth boundaries for a doubling of the population.

“I ran on a platform of build up, not out, and I’m still there,” said Marsh, who is seeking re-election next month.

Officials noted the county’s right-to-farm

ordinance, which protects farmers from complaints about noise, dust and other impacts. Homeowners get a reminder of it in their property tax bills.

“Maybe it doesn’t smell so good,” Supervisor Jim DeMartini said, “but these are typical farming operations, and we have a right to farm our ground.”

John Holland: 209-578-2385



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COMMENTS

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MOFD to Leave Local 1230?

By Nick Marnell

Rumblings abound among the Moraga-Orinda Fire District rank and file of a desire to break off from their parent labor union and form their own local, according to a district union representative.

"Nothing specific, we're just looking at our options," said firefighter-paramedic Mark DeWeese. "We always want to look at what's out there. What if we had our own union? We have 50 guys in our district and there have always been a bunch who think that it would be better for us to go off on our own."

Both MOFD chief Stephen Healy and Vince Wells, president of the International Association of Firefighters, Local 1230, declined to comment.

"We're not looking to leave IAFF," said DeWeese, the district union representative. As to the pros of breaking off to form a separate local, "I'd rather not answer that," he said.

Mike Mohun, San Ramon Valley Fire Protection District captain and president of Local 3546, which split from its parent union in 1993, cited the benefits of a breakaway by using simple logic. "The larger the group you belong to, the smaller you are," he said. "In a smaller organization, you have more of a say."

The SRVFPD captain said that he favors the hands-on approach he employs at his local chapter. "I work in San Ramon," he said. "I am in constant contact with my employees, the chief officers, the board of directors. I am much more geographically accessible."

According to Mohun, the breakaway of MOFD would also take a burden off of Local 1230. "The more employees that you represent, the more difficult it becomes to manage them," he said. "It'll be much easier for ConFire." Wells is a captain with the Contra Costa County Fire Protection District. "There's no urgency," said DeWeese, who noted that the membership meets regularly to discuss such topics. As for any affect of a possible split on the district residents, "It wouldn't be a big deal. Not much would change for the citizens of Moraga and Orinda," he said.

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Lamorinda Fire News Briefs

By Nick Marnell

Stations 16 and 43 Construction

A structural engineer told Contra Costa County Fire Protection District chief Jeff Carman that he concurred with the opinion of the district contractor that fire station 16 in Lafayette was not doomed to the wrecking ball. "There's no reason why we can't rebuild it," said the chief. Initial plans call for the stripping of the structure down to the frame and rebuilding from there.

The Moraga-Orinda Fire District, though, plans to raze its dilapidated station 43 and erect a totally new structure on Via Las Cruces in Orinda. Initial estimates approach \$4 million. Fire chief Stephen Healy said that the district may need to purchase a temporary station to house the station 43 crew during construction.

Representatives from Brandis Talliman LLC, a San Francisco-based investment banking firm, plan to outline public and private financing options at the Nov. 4 district meeting.

MOFD is Hiring

The Moraga-Orinda Fire District is seeking firefighter-paramedics. Fire chief Stephen Healy said that the district extended its application period this time from one to two months to broaden the pool of potential applicants. "The best candidates are taking a lot of tests," he said.

The deadline for applying is 5 p.m. Nov. 13. More details, along with the employment application, are available at the district website, mofd.org.

ConFire Ambulance Contract

The Contra Costa County Board of Supervisors awarded the available county ambulance contract to the Contra Costa County Fire Protection District, and the district's contract negotiations with the county emergency medical services agency should be completed by mid-October, according to ConFire chief Jeff Carman. The district then plans to finalize an agreement with American Medical Response, the current county emergency medical transport provider, to subcontract for ambulance service. ConFire takes over the available county ambulance contract in January.

"We are working to merge our two dispatch centers," said Carman. The Contra Costa Regional Fire Communications Center in Pleasant Hill operates 24 hours a day, every day of the year, with ConFire dispatchers providing fire and medical service to most of the county. The center also contracts for dispatch service with the Moraga-Orinda Fire District. ConFire will add AMR dispatchers to the center to systematically deploy ambulance calls after the first of the year.

ConFire and AMR transmit via different radio frequencies, but by January, the chief said that AMR dispatch will merge into the ConFire radio frequency.

"We're making good progress, but there's not a lot of breathing room," said Carman. "But that's the way I like it."

Reach the reporter at: nick@lamorindaweekly.com

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