

West County: After hospital closure, what's next for health district?



Kristopher Skinner/Bay Area News Group

The closure of Doctors Medical Center last year has prompted questions about what should happen to the West Contra Costa Healthcare District, which ran the hospital.

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SAN PABLO — More than a year after the closure of Doctors Medical Center, the agency tasked with its day-to-day operations still functions, spending an estimated \$500,000 a month of taxpayer money on administrative, legal and financial costs.

But with the sale of the hospital property expected to be finalized by early next year, discussions are in the works over what should happen to the West Contra Costa Healthcare District now that it doesn't have a medical center to run.

Numerous options are on the table, including dissolving the district and creating a successor agency that would wrap up the district's affairs, primarily repaying the \$22 million debt that the hospital has racked up. Another is creating a "county service area" that could be used to fund healthcare services in the region, after the debt has been paid off, estimated to happen by 2026.

Since the closure of Doctors Medical Center, which treated mostly MediCal and Medicare patients and the uninsured, West Contra Costa has been left with just 27 emergency room beds, all of them at Kaiser Permanente's Richmond facility.

"There is a lot of unmet need in West Contra Costa," said Lou Ann Texeira, executive director of the [Contra Costa Local Agency Formation Commission](#), or LAFCO, which met this week to discuss the district's future. "I'm hoping we can find a win-win in this situation."

Healthcare districts were created following World War II as a way to bring healthcare to under-served areas. But as more hospitals have gone out of business in recent years and others consolidated, the need for healthcare districts has diminished. Today, many serve more of a grant-making role, distributing money to local organizations that provide health services.

The West Contra Costa Healthcare District is funded through a combination of parcel and other property taxes that together raise an estimated \$8 million each year. That revenue helped keep DMC open until it finally ran out of cash because of low reimbursement rates that failed to keep up with the costs of providing care. But if the healthcare district is disbanded, the revenue will be lost, with no chance to use it for clinics, urgent care or other similar facilities once the debt is paid off.

One option that numerous district board members are getting behind is to create a county service area, or CSA, to serve as a successor to the district. That would ensure access to a funding stream while avoiding administrative costs, including board elections, which cost \$450,000 every two years. Currently, the district spends roughly \$2 million a year on elections, payroll, bookkeeping, workers compensation and pension plan payments.

"This would be an efficient way of providing healthcare in West County without the overhead and the cost of a separate healthcare district," said Contra Costa Supervisor John Gioia, who represents the area. "It would reduce ongoing costs that are not for healthcare and use the money to eventually build a new urgent care or set up a partnership with an existing provider. The view is to fill the gaps in healthcare in West Contra Costa."

Eric Zell, president of the health district board, said he too favors reducing the administrative costs of the agency while holding on to property tax revenue that will enable the entity to eventually put it toward healthcare needs, including a series of clinics and a publicly run, full-service emergency room.

"That is the big deficit," Zell said. "We need a public entity or a nonprofit to recognize that this market is important, even if they have to operate an emergency room at a loss."

Zell also defended the district's current spending as necessary.

"Winding down a 60-year-old-hospital that is a \$280 million entity is an enormous effort, and the fact that we're doing it with four people is miraculous," he said.

Since DMC closed, the district has been searching for a buyer for the property. It is now in final negotiations with [Davis-based Royal Guest Hotels](#) over a deal that is expected to net \$13.5 million for the district. The company has recently submitted plans to build a 200-room hotel and conference center at the site of the former hospital.

As the health district considers its options, it may look to the experiences of two of its neighbors in Contra Costa. In Concord, the health care district previously ran Mt. Diablo Medical Center, which merged with John Muir in 1996. In 2001, a Contra Costa Grand Jury report concluded that the board spends “much of its money on operations rather than healthcare.” But it took until 2012, when the district became a subsidiary to the city of Concord, to reorganize the entity, which doles out about \$250,000 a year in grants to local organizations working on healthcare.

“They basically did nothing besides provide themselves a very handsome salary and benefits,” said Jack Weir, executive director of the Contra Costa Taxpayers Association. “It took a long time to wind down the district; meanwhile, the cost of running the office, salaries and other administrative costs kept accumulating.”

The Los Medanos Community Healthcare District previously operated Los Medanos Community Hospital, which closed because of bankruptcy in 1994. Dissolution of the district was considered in 1999 but never completed, and today, the entity partners with the county to operate the Pittsburg Health Center and other public health services.

Both examples point to the fact that there is just less need for healthcare districts in the era of large hospital chains, Weir said.

“The reason for which it was created in the first place is gone,” he said. “We need a transition that minimizes the administrative costs.”

Ventura County Star

Ventura considers farmland annexation

[Arlene Martinez](#), amartinez@vcstar.com, 805-437-0262 11 a.m. PDT **September 18, 2016**



(Photo: CONTRIBUTED PHOTO)

For more than a decade, the Vanoni family has sought approval to convert roughly 25 acres of agricultural land near Ventura's east end to residences.

The longtime Ventura County farming family still has agricultural operations on the site, off North Bank Drive and Telephone Road, but it no longer sees the operation as viable because residential development has sprung up around it.

The city's Planning Commission supports annexation of the land and in January approved a 193-unit development that includes 4.8 acres of open space for the community.

On Monday, the project will come to the Ventura City Council, which will vote on annexing the county property into the city. At the same time, the council will vote on accepting the environmental review done for the property.

If approved, the project heads to the Ventura County Local Agency Formation Commission (LAFCo), which will decide whether to approve the annexation. The independent agency oversees boundary changes while working to protect agricultural resources and limit urban sprawl.

That's no sure thing.

At least, not until the city prepares a separate environmental impact report done specifically for the project, LAFCo's Executive Director Kai Luoma wrote in a letter to the city. Because LAFCo wasn't officially the lead agency in the environmental analysis, a study mandated by the state, it couldn't adequately weigh in, he wrote.

On top of that, the main document used was approved in 2009 by the City Council, with no LAFCo input, he noted.

The city disagrees.

“There’s no basis in any of the complaints LAFCo said,” Community Development Director Jeff Lambert said.

The city was officially the lead agency, but LAFCo was treated as though it were, he said.

“We had so much correspondence. There’s no question they were adequately engaged in this,” Lambert said.

The Vanonis also disagree with LAFCo.

The family has done everything the city requested, including meeting with neighbors and waiting for the Saticoy Well Community Plan to be completed, the family’s attorney, Graham Lyons, wrote in a letter to the council asking members to approve the project.

“While our client has been extremely patient, it goes without saying that it should not take more than a decade to entitle a project, especially when the project fully complies with the General Plan, Community Plan and all applicable zoning regulations,” Lyons wrote.

There is no legal basis for LAFCo’s request, he wrote, and the city can’t under the California Environmental Quality Act require another environmental review. The city is the appropriate responsible party, Lyons wrote.

If the council approves it, LAFCo has 30 days to review the project and decide whether to schedule it for the commission, Lambert said.

It could also reject it and require more review.

“At that point, LAFCo has the burden of meeting the legal tests to require additional environmental review,” the staff report notes.

City planning officials think the project is consistent with the plans that guide development in the neighborhood, and that it provides a mix of needed housing and open space and fits in the community where it’s located.

As approved, the project has 123 single-family homes, 30 town homes and 40 apartments.

The project’s for-sale units are subject to the city’s inclusionary housing ordinance, which requires a project to include at least 15 percent of its units to be affordable. Of those, 40 percent must be for very low-income households.

The project’s 30 town homes are for “moderate-income” earners, the staff administrative report notes, but Lambert said the specifics of the housing types have yet to be nailed down.

According to income limits set by the state for 2015, a moderate-income household of one earns \$75,000 while a four-person household earns up to \$107,050.

Monday's meeting starts at 6 p.m. at City Hall, 501 Poli St.

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More time for Harbor District: San Mateo County to delay, possibly suspend analysis of dissolution of special tax district

September 21, 2016, 05:00 AM By Bill Silverfarb Daily Journal Staff

The San Mateo County Board of Supervisors has agreed to give the Harbor District at least two years to get its finances in order before deciding whether to conduct an analysis into dissolving the special tax district.

The San Mateo County Civil Grand Jury has urged supervisors to conduct an analysis into dissolution almost immediately but Tuesday the board amended its response letter to the grand jury indicating that an analysis “may” rather than “will” be implemented after fiscal year 2017-18, according to the Harbor District’s General Manager Steve McGrath.

McGrath and Tom Mattusch, president of the Harbor District Board of Commissioners, attended Tuesday’s Board of Supervisors meeting and asked that the response letter be pulled from the consent agenda to allow for public comment.

The board allowed it and ultimately softened its response by amending a few lines in the letter indicating that a county analysis of the Harbor District is a possibility rather than a certainty in about two years.

“The county is recognizing the district’s near-term performance improvements. They have noticed the progress. In the meantime, we will continue to work and improve the district,” McGrath said.

The agency for the first time has separated its budget into how its enterprise and non-enterprise revenue are spent.

The county, in its response, said the district should be given at least two more years “until an accurate fiscal accounting of enterprise and non-enterprise activities can be conducted.”

“They’ve done better. There is a focus now on capital improvement projects and I credit the general manager for the progress and Mattusch has shown good leadership,” said Supervisor Don Horsley, whose District 3 covers the coast.

The district relies on about \$5 million in property taxes and raises the rest of its money by renting boat slips and from other leases at Oyster Point Marina/Park in South San Francisco and Pillar Point Harbor on the coast. The district owns Pillar Point Harbor and operates the marina at Oyster Point under a joint powers agreement with South San Francisco.

The grand jury released a report in June titled “The San Mateo County Harbor District: The Price of Dysfunction is Rising.”

It notes that County Manager John Maltbie stated that the county would “undertake a comprehensive analysis of all aspects of the district” if dissolution was recommended by the Local Agency Formation Commission.

LAFCo recommended last year that the Harbor District be dissolved. A previous grand jury in 2014 reported that the Harbor District should also be dissolved.

The latest grand jury report indicates the county has made no moves to analyze whether the district should be dissolved and taken over by another agency.

“The grand jury recommends that the Board of Supervisors look beyond any attempts by the Harbor District to improve operations and calls for the county to commence by Sept. 30, 2016, its promised analysis of dissolving the district. Such analysis should be completed within six months and be presented to the public at a regular board meeting,” the grand jury reported in June.

But that analysis was pushed back at least two years Tuesday and may never take place, according to the board’s response letter.

“It should be noted that the district has paid off all debt, identified adequate reserves and developed a five-year capital improvement plan for maintenance of and improvements to district facilities. Given the ... improvements, the county believes, at a minimum, that compiling two years of accurate fiscal data is necessary to adequately review district operations, efficiencies and cost allocations,” according to the response letter to the grand jury.

Grand jury recommendations must be responded to but are not mandates and do not have to be followed.

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Water Deeply

Wastewater: A New Frontier for Water Recycling

California water officials plan to begin regulating direct potable wastewater recycling, becoming the first state to embrace it as a new drinking water supply.

Written by Matt Weiser Published on σ Sep. 20, 2016 Read time Approx. 5 minutes



Water drops fall from a test spout on a reverse osmosis container at San Diego's Advanced Water Purification Facility. The indirect potable reuse pilot project is part of a \$2.5 billion plan to recycle 83 million (314 million litres) gallons of wastewater a day for drinking by 2035, about one-third of the city's supply. *Gregory Bull, AP*

It is now possible to imagine a future in which highly treated wastewater will be plumbed directly into California homes as a new drinking water supply.

On September 8, the State Water Resources Control Board released a long-awaited [report](#) on the feasibility of so-called “direct potable reuse.” This means recycling urban sewage flows in a process akin to seawater desalination, then plumbing it directly into a city’s freshwater distribution lines without first storing it in a groundwater aquifer or reservoir (known as indirect potable reuse).

The water board relied, in part, on a 12-member panel of [experts](#) from around the world that studied the science and challenges of direct potable reuse for two years. And it concurred with the panel that it is possible to regulate direct potable reuse in a manner that produces safe and reliable drinking water from recycled sewage.

Next comes the process to actually develop those regulations, which the board intends to begin soon. Officials can't estimate when those regulations will be complete. But there are a number of California water agencies waiting for that to happen so they can begin offering water produced in this way.

No other state has advanced this far with direct potable reuse, making it likely to become another arena in which California pioneers new technology for the world.

"This is a major milestone for California," said Jennifer West, managing director of the California Water Reuse Association. "I think it has the potential to be a very significant water source for California. Without this report, we wouldn't even be able to get off the ground."

The report was required by Senate bill 918, a 2010 law written by California state senator Fran Pavley, D-Agoura Hills. The law required an investigation into the feasibility of direct potable use, but it does not require the state to develop regulations allowing it to move forward. That was left to the discretion of the water board, based upon expert analysis.

Randy Barnard, recycled water unit chief at the state water board, said the agency will begin to draft those regulations, based on the encouraging findings of the experts. "There are agencies all up and down California that would consider a project like this. There's a lot of interest," Barnard said. "But they're just waiting on what the requirements are going to be and what they have to do to move forward."

The expert panel identified a number of technical questions that must be answered before the state can begin to regulate direct potable reuse. One of the biggest involves the consequences of eliminating the "environmental buffer" that defines indirect potable reuse: blending recycled water with other supplies in a reservoir or aquifer.

For example, Orange County Water District operates one of the largest [wastewater recycling](#) projects in America. It is considered indirect reuse because, after the wastewater is treated using microfilters, reverse osmosis and ultraviolet light, the water is pumped into settling basins where it recharges groundwater aquifers. Weeks or months later, it is pumped out to a drinking water treatment plant before delivery to households and businesses.

Even though the water meets drinking water standards when it leaves the Orange County recycling plant, the environmental buffer provides an additional filter and ensures it is blended and diluted with other supplies. It also provides a kind of psychological buffer, Barnard notes, that the public finds appealing.

The process of direct potable reuse would involve all these same steps – and possibly more – except the environmental buffer would be eliminated. The treated water would flow directly into a water treatment plant or even straight into a city's water delivery pipes.

"If we remove that environmental buffer, the expert panel has told us we have to come up with other processes – engineered processes – that would accomplish the same thing that this environmental buffer does to protect public health," Barnard says.

The state needs to decide what those steps should be. Then it must figure out how to put them into enforceable regulations that produce measurable results to ensure public health.

Another area of research involves “contaminants of emerging concern,” a broad category of water pollutants – such as pharmaceuticals and chemicals – that are not removed by traditional wastewater treatment practices. The water board must decide which of these contaminants should be regulated as part of direct potable reuse, and what treatment steps should be imposed to control them.

Other requirements include making sure treatment plant operators have the proper training to handle recycled water in a direct potable reuse setting, and defining new water-quality monitoring methods to swiftly detect when there’s a problem with the recycled water.

But the water board has already made a crucial decision in this regard: It is not going to wait for research to answer these questions before developing regulations. Instead, it will begin to develop regulations concurrent with the research, which it will help direct through advertised requests and, in some cases, funding.

West said a number of industry groups have already begun research projects to answer the unknowns. She notes, however, that direct potable reuse won’t be right for every community. For one thing, it is expensive – though not as costly as seawater desalination, largely because the energy requirements aren’t as great. But in many cases, direct potable reuse may be the state’s second-most expensive water source.

Other communities may simply decide they’re not comfortable – despite all the safeguards and treatment steps – with plumbing treated wastewater straight into the drinking water system.

Yet public acceptance of recycled water has grown significantly in recent years. California’s ongoing drought helped, given that many communities opened [fill stations](#) where residents could collect free recycled water for landscape irrigation.

Also, many water agencies have safely delivered treated wastewater for years in special “purple pipe” systems for landscape irrigation.

One example is the Santa Clara Valley Water District, which operates a purple pipe system. And in 2014, it opened an [“Advanced Water Purification Center”](#) that treats wastewater to drinking water standards. It operates much like Orange County’s system, except instead of discharging to groundwater, the treated water is put into the purple pipe system to improve the quality of other treated wastewater sources.

The Santa Clara district is now planning a project to recharge groundwater with this highly treated recycled water supply, and it is interested in pursuing direct potable reuse once the state adopts regulations.

San Diego is working on a [similar project](#) that will pipe treated wastewater to San Vicente Reservoir. There, it will mix with imported water from Northern California and the Colorado River before treatment in the city's regular drinking water supply system.

Jim Fiedler, chief operating officer at the Santa Clara Valley Water District, said direct potable reuse would be a natural extension of these efforts, because the same water systems that feed recycled water into a groundwater recharge project or a reservoir can just as easily feed a drinking-water treatment plant.

Fiedler served on a separate [advisory group](#) of local government and water agency officials that provided input on the water board's report.

"We're seeing this potentially as being a raw water source similar to other water sources," said Fiedler. "When you first ask a person about this, their attitude is pretty negative. But once you start explaining what goes on with the treatment methods, you find this is something they would be more accepting of."



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ConFire Chief Proposes Additional Revenue Sources

By *Nick Marnell*

The Contra Costa County Fire Protection District board of directors authorized Fire Chief Jeff Carman to contract with Willdan Financial Services to perform an impact fee study, which will include the possibility of forming community facilities districts in areas of new development within the district. In 2005, Lafayette declined to support a Willdan-proposed impact fee program that would have levied a one-time fee on the development of residential and commercial properties in the city.

"Adding additional burden to an already burdened fire system doesn't work," Carman told his board Sept. 13. "Countywide the fire service is experiencing difficulty providing adequate levels of emergency services with the existing revenues we see from property taxes."

When Carman was hired in 2013, he promised the board that he would seek additional revenue streams for the district. A parcel tax is one way to provide additional district revenue, but the last ConFire parcel tax measure failed at the ballot box in 2012. Instead, the chief proposed to update development impact fees and to establish one or more CFDs.

Revenue provided by an impact fee or from a CFD will be used to supplement ConFire services to add capacity within new developments. Examples of adding capacity include purchasing new equipment and apparatus, replacing equipment more frequently and increasing staffing. Typically, costs from an impact fee are added onto the price of new housing while CFD fees are charged annually.

Board Chair Candace Andersen cautioned the chief on the pragmatic issues in dealing with the boundary lines of a CFD. "You don't want to have to screech the fire truck when you get to the next block," she said, because the next block may not reside in the CFD, whose residents pay for enhanced fire service. Carman proposed the supplemental revenue idea at a recent city managers' meeting. "Our goal is to work with all of the managers on what the program will look like and to give them a chance for input," he said. The chief indicated that Lafayette will be one of the final cities that he approaches on the supplemental revenue topic because the city has little new development on the books. City Manager Steve Falk declined to comment on the possibility of ConFire supplemental development fees in Lafayette.

ConFire collects impact fees on new construction and development only within the unincorporated areas of the district, the city of Pittsburg and the city of Antioch. No CFDs exist in the Moraga-Orinda Fire District but the district does collect impact fees on new development.

"For us to not ask for additional revenue on new development is ludicrous," Carman said.

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[back](#)

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Water Deeply

Why California May Ban New Small Water Agencies

California Gov. Jerry Brown has until the end of the month to sign a bill on his desk that would ban the creation of new small water districts, which many feel pose health risks or provide unreliable water supply.

Written by Michael Levitin Published on **Sep. 22, 2016** Read time Approx. 4 minutes



On July 2, 2015, four generations of the Dunlap family look on as bottled water is delivered to their home in the community of Okieville on the outskirts of Tulare, Calif., where there is not a safe, reliable water supply. *Gregory Bull, AP*

California's goal of ensuring universal access to safe drinking water, as mandated in the 2012 Human Right to Water Bill, will come a step closer to being met if Gov. Jerry Brown signs a new measure into law that halts the creation of new small, unsustainable – and in many cases dangerous – water districts in the state.

The bill, [SB1263](#), passed through the state assembly and senate in August. It aims to guarantee the safety and reliability of drinking water statewide by encouraging new developments to tie into existing water districts rather than create their own. The measure would especially help low-income communities that cannot afford to pay for improved water quality, and could specifically impact Central Valley cities such as Merced, Bakersfield, Fresno and the rural regions around them that have seen innumerable small water agencies sprout up in recent decades to keep pace with population growth.

Currently, of the 7,600 water districts in California, between 150 and 400 of the smallest ones are delivering water that is either unsafe to drink – with high levels of arsenic, nitrate or chromium-6 – or unreliable in flow, oftentimes reaching populations with fewer than 200 water connections, and in some cases no more than a single school site.

“It’s just ludicrous,” said the bill’s author, State Sen. Bob Wieckowski (D-Fremont), who chairs the Senate Environmental Quality Committee. “This bill attempts to say, ‘Enough with that.’ It allows the State Water [Resources Control] Board to come in and act like a backstop when a small system is proposed by a developer.”

Under the law, developers will “have to show that they’ve exhausted all possibilities of tying into existing water systems, then show they have the financial and technical ability to operate. This is the first step to say no more new water districts,” and to enforce consolidation with larger water districts that have proved they can deliver safe water, he said.

Part of the problem stems from California’s long-time failure to pass legislation regulating the use of groundwater, which has enabled anyone with money to drill a well at any place and at any time, regardless of the long-term viability or safety of the drinking source. Easy to access, inexpensive to deliver and simpler to treat than surface water due to its lack of bacteria, groundwater provided a solid development model for California over the decades.

But now, with drought on everyone’s mind and many communities’ water safety coming into question, legislators are setting a new bar for developers if they want their projects approved. SB1263 gives the State Water Resources Control Board the authority to deny permits for new water systems if there is a reasonable chance the newly created water district will fail to provide safe drinking water in the foreseeable future. It requires developers to compare costs between starting a new system and consolidating, or connecting, with an existing one, and to identify all proposed sources of water for new developments.

Furthermore, the bill would prohibit local agencies from issuing building permits for developments that lack their own access to water and need to haul it in from elsewhere. Sen. Wieckowski cited as an example 42,000 parcels currently slated for development in Los Angeles County – all of which are designed to use expensive, hauled-in drinking water. Under the bill, projects like these would be stopped in their tracks.

“It can happen anywhere, in Napa or Alameda County, when people come in and say, ‘We’re going to build 100 houses and we’re just going to create a new water district.’ We’re saying that we don’t want these itty-bitty water districts to be created,” he said.

Though the measure faced early opposition from the Association of California Water Agencies and the California Building Industry Association, both bodies ultimately conceded the fight. Gov. Brown has until the end of the month to sign the bill into law.

A safe drinking water study released last year by the State Water Board found that more than two-thirds of arsenic violations, and nearly 88 percent of nitrate violations, occurred in small water districts, forcing residents to pay high costs for water treatment or find replacement water.

The vast majority of California's water districts – 98 percent, according to the state water board's measure – are doing their jobs properly. But even only 2 percent of districts violating water safety rules translates into unsafe conditions for thousands of people.

“It doesn't matter how small a system is, [whether it's serving] 1,500 or 3,000 people. At the end of the day, they're delivering water to their community and there are greater efficiencies when you're delivering through larger systems, and a greater margin of safety,” said George Kostyrko, the State Water Board's communications director. “The challenge is daunting. A majority of water systems are meeting that challenge on a daily basis. But there's that elusive 2 percent that are struggling to do that.”

The bill is receiving strong support from the environmental community, including the Natural Resources Defense Council, Sierra Club and California League of Conservation Voters. According to Jennifer Clary, Clean Water Action's water program manager, economics are often the determining factor for communities seeking access not only to safe drinking water but to a tap that comes on reliably when you need it.

“California suburbs have grown and grown, in some cases around small neighborhoods with small systems, and many of those systems have only one or two wells. In this drought, thousands of wells have gone dry, and if your well goes dry, no one gets any water,” said Clary.

“A larger city has alternatives or the financial ability to dig a deeper well,” she added. But for the smaller districts looking at their bottom line, “even when state taxpayer dollars are available to help them take care of the problem, they still end up with these really high bills for operation and maintenance, and it can often run them off the rails.”

Legislation passed last year, under SB88, gave the state water board the authority to consolidate water districts in order to close the 2 percent gap. Now, officials say that stopping the proliferation of those small districts to begin with is an urgent and complementary goal. As Wieckowski puts it, the mission is “to fulfill our promise that everyone gets safe drinking water.”

[Water & Drought](#)

September 25, 2016 4:00 AM

Farmers say, ‘No apologies,’ as well drilling hits record levels in San Joaquin Valley

Two years after California Gov. Jerry Brown signed a bill designed to limit groundwater pumping, new wells are going in faster and deeper than ever in the San Joaquin Valley farm belt. Farmers say they have no choice given cuts in surface water deliveries. But the drilling has exacted a substantial human cost in some of California’s poorest rural communities. Ryan Sabalow The Sacramento Bee

By Ryan Sabalow, Dale Kasler and Phillip Reese

WOODVILLE

Drive through rural Tulare County and you’ll hear it soon enough, a roar from one of the hundreds of agricultural pumps pulling water from beneath the soil to keep the nut and fruit orchards and vast fields of corn and alfalfa lush and green under the scorching San Joaquin Valley sun.

Well water is keeping agriculture alive in Tulare County – and much of the rest of the San Joaquin Valley – through five years of California’s historic drought. Largely cut off from the supplies normally delivered via canals by the federal and state water projects, farmers have been drilling hundreds of feet into the ground to bring up the water they need to turn a profit.

Two years after Gov. Jerry Brown signed a bill designed to limit groundwater pumping, new wells are going in faster and deeper than ever. Farmers dug about 2,500 wells in the San Joaquin Valley last year alone, the highest number on record. That was five times the annual average for the previous 30 years, according to a Sacramento Bee analysis of state and local data.

Wells dug in 2015

New irrigation wells by county:

Tulare	904
Fresno	627
Merced	304
Kings	167
Madera	160
Stanislaus	160
Kern	156

The new groundwater law won’t kick in until 2020, and won’t become fully implemented for another 20 years. In the meantime, farmers say they will continue drilling and pumping. It’s their right, they say, and their only practical choice given the government’s limited surface water deliveries.

“Just like a guy that owns a hardware store who sells nothing but shovels, say I cut you off and decide not to supply you with shovels, are you going to close your store or are you going to get shovels from somebody else?” said Wayne Western Jr., a wine grape grower near Firebaugh in the parched west side of Fresno County.

“It’s a business. I’ll make no apologies for trying to stay in business and being successful,” said Western, who’s been relying almost exclusively on well water the past three years. “That’s what we do here.”

Part of what’s driving the well-drilling frenzy is a kind of groundwater arms race. Aquifers don’t respect property lines, and in many cases farmers with older, shallower wells are afraid of losing water to neighbors who are digging deeper wells and lowering the groundwater table. So they invest hundreds of thousands of dollars to drill new wells of their own. All told, farmers are expected to spend \$303 million this year alone to pump groundwater, according to UC Davis researchers.

“Business is good; we’ve got plenty of work to do,” said driller Steve Arthur, who runs Arthur & Orum Well Drilling Inc. in Fresno.

On a recent weekday, Arthur was overseeing the drilling of a massive 1,200-foot well beneath an almond orchard in the tiny Tulare County community of Poplar. A few years ago, the typical well was only half as deep.

“These farmers, they’re learning if they go deeper, they’re going to get more water and they won’t have to drill as often,” Arthur said, shouting over the din of a drill rig. “If the government don’t give us any water, what’s the farmer supposed to do?”

The new well in Poplar cost about \$260,000.

Arthur said he expects to drill about 260 new wells this year throughout the San Joaquin Valley. That’s about the same as last year, although the well-drilling industry isn’t quite as frantic now. Prices for new wells are off slightly, and some of Arthur’s Johnny-come-lately competitors – the so-called “drought chasers” – have left town. But Arthur, who farms 200 acres of almonds, said he thinks the well-drilling business won’t sputter anytime soon.

“When the farmer gets up in the morning, the last thing he wants to do is spend \$200,000, \$300,000 on a well,” Arthur said. “But if he wants to stay in business, that’s what he’s got to do.”

From 2012 through 2015, San Joaquin Valley farmers dug more than 5,000 wells, more than were dug cumulatively over the previous 12 years.

In Fresno and Tulare counties, where most of the drilling occurred, officials issued an average of almost 10 agricultural well permits every business day in 2015, though not all of those permits were used. That pace has fallen some in the first few months of 2016, but remains well above pre-drought levels. Tulare and Fresno are two of the three largest agricultural counties in the state, as measured by farm revenue.

As farmers ramp up drilling and install larger, more powerful pumps, aquifers that had quietly flourished beneath the soil for thousands of years are dropping at dangerous rates. It's accelerating a phenomenon known as subsidence, in which some parts of the valley floor are sinking.

The problems of groundwater overdraft are most pronounced in the San Joaquin Valley, but they're not limited to there.

"It's a five-alarm fire in the San Joaquin Valley," said Jay Ziegler of the Nature Conservancy, which has pleaded for stricter statewide restrictions on pumping. "But it's a four-alarm fire in other areas around the state."

The well drilling has exacted a substantial human cost in some of California's poorest rural communities – the ones populated by workers who tend the fields kept green by all that groundwater.

Falling water tables mean underground pollutants become more concentrated, and in some cases municipal drinking-water wells fail altogether. By one estimate, about 30 percent of the communities in Tulare County have had problems with failing wells.

In East Porterville, hundreds of residents lost water in recent years. Tomas Garcia remembers the day in April 2014 when his shallow well failed. At work at a local tire shop, he got a call from his wife when their shower suddenly stopped working. What followed was a year of hauling water in 5-gallon buckets, to the point that the shocks on the family van blew out.

"No church, nothing. I was just hauling water," he said. "I had no time for my family." He also didn't have the \$55,000 necessary to drill down to reach the receding groundwater.

In April 2015, Garcia's house was connected to a 2,500-gallon water tank that's refilled by tanker truck once a week. Like hundreds of other homes in East Porterville, where some streets are unpaved and the sounds of barking dogs and braying livestock mingle with mariachi music, the black tank now takes up most of the Garcia family's small front yard, an obelisk-like monument to the drought.

Just recently the town got a lifeline when officials announced it would be hooked up to the municipal water supply in nearby Porterville. All told, the state estimates it has spent more than \$148 million bringing drinking water to Tulare County communities where municipal wells failed because of dropping groundwater levels.

One of the more recent crises flared in August in Woodville, a largely agricultural town of 1,700 surrounded by farm fields and irrigation pumps. One of its two drinking water wells suffered a mechanical failure that the utility district attributed to fluctuations in the water table.

Without enough flow to stave off bacterial contamination, town officials issued an advisory urging residents to boil water. It stayed in place for nearly three weeks before the well could be repaired. At the elementary school, across the street from a fruit and nut processing plant, signs on doors and above drinking fountains warned students, "Don't drink the water."

During the crisis, Ralph Gutierrez, manager of Woodville's utility district, said that because there wasn't enough pressure in the town's waterlines, he had no choice but to cite residents he caught spritzing lawns and landscaping with garden hoses.

He noted with irony that even as he was fining residents for their water use, he recently counted 60 new agricultural wells just outside town during one week of his daily commute.

But the response he got was icy when he suggested to farmers at a recent community meeting that they accept limits on groundwater pumping.

"If looks could kill, I would have been crucified," said Gutierrez, a familiar figure around town with his bushy mustache, weathered Dodgers cap and pack of smokes in his shirt pocket.

Others have pushed for local pumping limits, with similar results.

Kristin Dobbin, who works at a Visalia nonprofit advocacy group called the Community Water Center, has been pushing the Tulare Board of Supervisors to adopt a county ordinance that would put limits on groundwater. Supervisors have yet to cast a vote more than a year later.

Steve Worthley, one of the supervisors, said he's wary of limiting groundwater pumping, given agriculture's importance to Tulare County. Besides, there's always the possibility that the rains might return and the groundwater pumping will taper off.

"There might become a weather pattern where we might be like Louisiana, where we might get more water than we know what to do with," Worthley said. "So we want to be careful we don't put into place laws that hamstringing our ability to be the fruit basket of the nation."

In conversations throughout the valley, it's also clear that farmers seethe with anger at the government for not sending more surface water their way. While much of California remains unusually dry, precipitation levels returned to normal in Northern California last winter, bringing key reservoirs back to relatively healthy levels.

Farmers feel they haven't gotten their fair share of that water. The reason? State and federal officials allowed more water to flow through the Sacramento-San Joaquin Delta and out to the Pacific Ocean during portions of winter and spring to try to revive the native fish species, including salmon and smelt, whose numbers have plummeted in the drought.

"The farmers need the water, you know," said Kulwant Gadri, a Tulare County almond grower who's spending more than \$1 million this year on new wells. If an almond orchard goes longer than two months without it, "the orchard is gone."

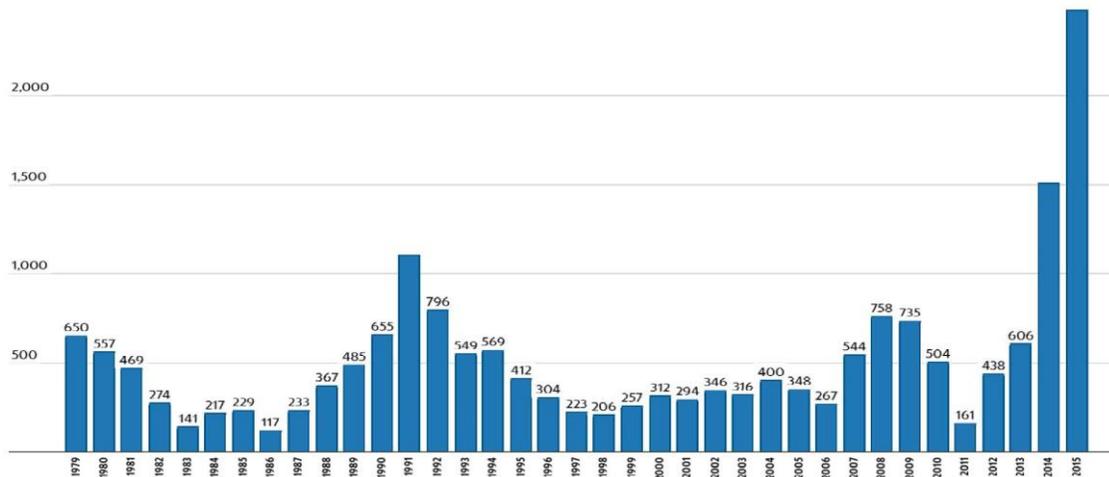
The situation is getting so dire, said Arthur, the Fresno well driller, that he questions whether the 2014 state law placing limits on pumping will ever get implemented.

"They stop drilling wells, they're going to kill this valley," he said. "They may never get this law going."

State officials say the Sustainable Groundwater Management Act will take effect. But, by design, it's a go-slow approach and doesn't directly put limits on drilling.

SAN JOAQUIN VALLEY IRRIGATION WELLS

Central California farmers dug wells last year at an historic rate.



Data are for Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern counties

Source: California Department of Water Resources ([Get the data](#))

Instead, starting in 2020, newly formed groundwater management agencies overseeing basins deemed critically overdrafted must develop plans for making their aquifers sustainable within 20 years. “Sustainable” generally means districts must ensure groundwater basins don’t drop below their January 2015 levels, said David Gutierrez, who is supervising the rollout of the new law at the state Department of Water Resources.

Gutierrez defends the gradual approach, arguing that bringing a swift halt to groundwater pumping would cripple a farm economy that’s already struggling. After a string of record years, farm revenue last year fell by \$9 billion statewide, in part because of water shortages but also because of declining prices in key commodities.

“We can’t afford to swing so quickly and so fast,” Gutierrez said. “We’re not going to turn it on a dime. ... We have to understand the social ramification of what we’re doing, too.”

The go-slow concept was driven home in the state Legislature this year. Sen. Lois Wolk, D-Davis, introduced a bill sponsored by the Nature Conservancy that in effect would have put the Sustainable Groundwater Management Act on a faster track. Her bill, SB 1317, would have prohibited counties from issuing permits for new wells that would have contributed to “undesirable impacts” in critically overdrafted groundwater basins.

The bill narrowly passed the Senate, but failed to get a hearing in the Assembly amid significant opposition. Among those weighing in: the California Chamber of Commerce, California Farm Bureau Federation and associations representing rice, tomato, cotton and citrus growers.

Back in Woodville, utility manager Ralph Gutierrez says officials need to act soon to prevent more wells from failing in other impoverished communities. He fears regulators are forgetting

that farmworkers in these towns play as important a role in California agriculture as the groundwater farmers are pumping into their crops.

“Without farming, would this community be here? No,” he said. “Would the farming happen if we didn’t have farmworkers? No. So, you know, I don’t know what the answer is, but we’ve got to find a happy medium somewhere, because we can’t exist without the other.”

Jim Miller of The Bee’s Capitol Bureau contributed to this report.

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East Bay Times

Water taste goes musty after EBMUD source changes



The San Pablo Reservoir shown above is being used to supply more people on the west side of the East Bay Municipal Utility District, causing temporary concerns about taste. (Kristopher Skinner/Bay Area News

By [Denis Cuff](#) | dcuff@bayareanewsgroup.com

PUBLISHED: **September 26, 2016** at 12:00 am | UPDATED: September 27, 2016 at 6:34 am

Drinking water for 800,000 East Bay residents may taste mustier for months to come as the area's largest supplier switches to a different water source during a treatment plant upgrade.

The water pumped from earth-lined reservoirs — instead of piped in directly from the Sierra foothills — may not be as aesthetically appealing, but it's safe to drink, officials from the East Bay Municipal Utility District said Monday.

More than 100 customers from western Alameda and Contra Costa counties have called or emailed in complaints or questions about the water taste since Thursday.

“We expected an uptick in complaints about water,” said Andrea Pook, a water district spokeswoman. “We appreciate customers’ patience as we get through this construction project that will make our Orinda Treatment plant more reliable. I want to reassure people the water is safe to drink.”

The water district typically serves customers in Oakland, Richmond, Berkeley, San Leandro and other communities west of the Caldecott Tunnel by providing them Mokelumne River water piped directly to the Orinda Treatment plant, treated and then pumped to homes.

But the district must temporarily suspend its preferred water delivery method because the Orinda Treatment plant is getting ready for a \$22 million upgrade that requires it to be completely closed for the first time since it opened in 1935, officials said.

With that large plant closing down Nov. 1 for about six months, the district needs to switch over many areas to water stored in the San Pablo Reservoir between Orinda and El Sobrante and the Upper San Leandro Reservoir between Oakland and Moraga.

Although safe to drink, the reservoir water picks up an earthy taste from the dirty bottom of the reservoir, and algae and other materials in the lakes, Pook said.

“When water sources change, people tend to notice it,” she said. “How much a difference it makes varies with the sensitivity of individual palates.”

The musty smell should dissipate substantially as the East Bay moves into fall months when colder temperatures chill the water and remove the off-taste, Pook said.

Denis Cuff covers environmental, water, and outdoor recreation news for the Bay Area News Group. A graduate of Stanford University with a B.A. in communications, he enjoys hiking and cycling in his spare time.

East Bay Times

Oakley considered for first ‘smart city’ in Contra Costa



Autonomous vehicles such as the Acura RLX, would find integration into Oakley’s roads and transit system following the city’s transition to a ‘smart city’ that was proposed at Tuesday’s city council meeting. (Kristopher Skinner/Bay Area News Group)

By [Aaron Davis](#) | aarondavis@bayareanewsgroup.com

PUBLISHED: **September 28, 2016** at 11:09 am | UPDATED: September 28, 2016 at 4:32 pm

OAKLEY — The city of Oakley is looking to become the first ‘smart city’ in Contra Costa county and with help from transit authorities and a Bay area engineering firm, research and analysis has already started.

A smart city acts much like a smart home. Employing design and urban planning along with technology, sensors and the “Internet of things,” traffic can be routed to less-congested roads, fires can be responded to more quickly and police can patrol in areas where crime is predicted.

The initial step, studying the city of Oakley, its needs and what its citizens want, will be paid for by funds from the Contra Costa Transit Authority. Stantec, a San Francisco-based design firm, presented the idea to city councilors on Tuesday.

“They can track congestion to improve traffic flow, dynamically switch traffic lights... the first thing would be improving traffic flow, but the only limit is your own imagination,” Mayor Kevin Romick said. “In talking with staff, this is what the community wants and needs to see.”

The Smart Cities Council defines a smart city as one that “gathers data from smart devices and sensors embedded in its roadways, power grids, buildings and other assets. It shares that data via a smart communication system that is typically a combination of wired and wireless. It then uses smart software to create valuable information and digitally enhanced services.”

The study will be paid for using Measure J funds, which were approved in 2004 to fund countywide transportation solutions through a half-cent transportation tax.

While federal grants and funds could help with the project, Jack Hall, a program manager with the Contra Costa Transit Authority, said at the council meeting that much would rely on the passage of Measure X, which would bring in \$2.2 million per year for transportation technology.

“With the city of Oakley having this plan in place, with the successful passage of the measure, you will develop guidelines and have something off the shelf and going right away,” Hall said.

In the previous city council meeting on Sept. 13, council members also approved a proclamation encouraging autonomous vehicle testing in Oakley.

“With autonomous vehicles talking with each other, it would make everything roll smoothly together,” Romick said.

Romick, a former chairman of the Contra Costa Transit Authority, argued for the project on Tuesday night, giving examples such as parking lots which could tell commuters how many parking spots were available and where they were on a smart phone application.

“Two key building blocks are services that move data and information and ones that move people,” said Arya Rohani a senior principal engineer with Stantec, a San Francisco-based engineering firm.

Beyond the transportation applications, proponents stated that the technology would also be applied to government services and would reduce the need for many citizens to file paperwork at city offices. Instead, much could be done online.

Kevin Rohani, public works director and city engineer, said that with internal software and services entwined with each other, the result would “ultimately be a better service delivery to the community.”

Before the end of the week, Stantec will be announcing dates at which citizens will be brought into the brainstorming process. Arya Rohani stated that the next three steps would focus on the current situation in the city, what the citizens want to see in the city and how to get to that point.

One note of warning was made at the city council meeting on Tuesday after the use of the city-state of Singapore as an example of a modern smart city.

“I saw the Singapore plan and it sounds like Big Brother, top-down, Soviet technology,” said councilor Randy Pope.

Pope expressed concern over invasion of privacy with the plan, but overall was interested in streamlining transportation.

The Sacramento Bee

Water & Drought

Will California see a wet winter? Forecasters call it a ‘crapshoot’

September 29, 2016 4:00 AM

By Ryan Sabalow

rsabalow@sacbee.com

Last year at this time, weather forecasters had a pretty good idea of what was in store as California headed into the rainy season. The Pacific Ocean surface was warming, and they were predicting one of the strongest El Niño weather patterns in recorded history.

El Niño ended up making an appearance, but it wasn't the [series of gully washers for which some had hoped](#). This year, the forecast is even less certain.

“It really is a crapshoot,” said Michelle Mead, a meteorologist with the Sacramento office of the National Weather Service. “We don't know what exactly we're going to get, and it's going to be storm-by-storm dependent.”

In other words, there's nearly as much chance that California experiences average precipitation or even flooding as there is for another dry winter akin to 2015 [when Gov. Jerry Brown stood on a patch of bare grass](#) where several feet of Sierra snow should have been and declared a statewide drought emergency.

The uncertainty lies in what forecasters describe as neutral conditions in the vast area of the Pacific Ocean that creates El Niño or La Niña weather patterns. When the surface of the Pacific warms, it's more likely to lead to the wet years typically associated with El Niño. Conversely, cooler ocean temperatures often produce drier La Niña conditions in California. This year, it's neither warm enough nor cool enough to make a call.

The vague long-term forecast comes as a California hits a key benchmark that forecasters and water managers use to track the state's hydrological conditions. The so-called “water year” ends Friday.

State officials say the data compiled during the 2016 water year shows that California remains mired in a five-year drought. The hottest summer on record certainly didn't help ease the problems plaguing California including irrigation-water shortages, [plummeting groundwater basins](#), elevated risk of wildfire and [millions of dying Sierra trees](#).

While some heavy storms brought rain to parts of Northern California and snow to the Sierra, an unseasonably warm and dry February [brought a hurried shrinking of the snowpack](#).

Arthur Hinojosa, the Department of Water Resources official overseeing the agency's statewide drought response, said it wasn't particularly surprising. Over the past few years, snow has begun to melt much earlier than normal. Historically, peak snowpack levels were measured in April. Lately, it's mid-March or earlier.

“Although we did see some decent amounts of total (Northern California rainfall), the snowpack wasn't on par with that percentage-wise,” Hinojosa said. “There was less snow proportionally than we're used to seeing historically. This is in a large part due to the warm year it was.”

Should the trend persist into this rainy season, it doesn't bode well for the state's massive water-delivery system of reservoirs and canals operated by the state and federal governments. California's rivers were dammed to take advantage of historic weather patterns, with a focus on regulating flows to prevent downstream flooding during heavy storms and capturing snowmelt to buoy the state through summer and fall.

The state's approximately 1,500 reservoirs portion out water over the year to meet demand for farm and landscape irrigation, drinking water, and fish and wildlife habitat. The vast man-made conveyance network is capable of funneling Mount Shasta snowmelt 700 miles south to San Diego.

The Northern California rains brought some relief since the region is home to the largest reservoirs. The total statewide reservoir storage is around 82 percent of average, Hinojosa said. That's a rosier picture at the end of September than last year at this time, when storage was 55 percent of average.

Southern California, meanwhile, remains especially dry. The Colorado River Basin, which provides a critical source of water used by Southern California cities and farms, is coming off the driest 16-year period in the historical record.

Forecasters say that, all told, it's going to take a long time before anyone declares California's drought over.

“Really, to fully erase the drought, you'd need multiple, consecutive wet winters and, ideally, cooler years in terms of getting a nice accumulation of mountain snowpack,” said Daniel Swain, a climate scientist at UCLA's Institute of the Environment and Sustainability.

There is some good news in the short-term forecast, at least for Northern Californians tired of the summer heat.

National Weather Service forecasters say it's about to get substantially cooler in the region. Sacramento temperatures should begin dipping into the mid-80s by Thursday, and on Sunday, there's a slight chance of showers with a high near 69. It could snow that day in Truckee.

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East Bay Times

Kensington: Interim police chief resigns

By [Annie Sciacca](#) | asciacca@bayareanewsgroup.com

PUBLISHED: **October 1, 2016** at 7:01 pm | UPDATED: October 2, 2016 at 4:07 am

KENSINGTON — The interim general manager and chief of police of the Kensington Police Department will resign at the end of the month.

In a resignation letter to the Kensington Police Protection and Community Services Board of Directors, interim Chief Kevin Hart said that while his contract is scheduled to end in February 2017, he has decided for “personal and professional reasons” to end his service early, effective Oct. 31.

The resignation follows a series of high-profile events for the Kensington Police Department, including a [controversial traffic stop](#) last year involving a Kensington Police sergeant and officer and Police Protection and Community Services District Director Vanessa Cordova in Berkeley. The then-sergeant involved, Keith Barrow, had previously drawn media attention after this newspaper reported that Barrow’s gun was stolen by a Reno prostitute after he took her to a hotel room and fell asleep. An investigation of the theft by former police Chief Greg Harman was later found to be deficient by the Contra Costa County Sheriff’s Office. Barrow was [demoted to officer](#) earlier this year.

Hart earlier this year [became the subject of an investigation](#) related to that incident when the police board agreed to hire a lawyer to investigate allegations that Hart had wrongfully revealed details of the investigation into the traffic stop.

Hart addressed the controversy vaguely in his letter, noting that during his tenure, the department “has dealt with some highly complex and sensitive issues.” He also praised the low crime rate of Kensington, adding that it is the fifth safest community in the state.

View the resignation letter in full [here](#).



KENSINGTON POLICE DEPARTMENT

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TEL: 510-526-4141 FAX: 510-526-1028

Kevin E. Hart
Chief of Police

September 30, 2016

TO: Kensington Police Protection and Community Services Board of Directors
FROM: Kevin E. Hart, Interim General Manager/Chief of Police

This letter serves as notice of my resignation as the Kensington Interim General Manager/Chief of Police effective October 31, 2016. Although my contract runs through February 2017, I have decided that, for personal and professional reasons, now is the right time to move on and explore other opportunities.

During my tenure, we have dealt with some highly complex and sensitive issues and are a better organization for it. No police organization is perfect, but all members of the police department will continue to provide outstanding quality law enforcement services to the Kensington Community.

As the fifth safest community in the State, crime continues to be low, in large part because members of the police department truly care about the community they serve, and work in a collaborative manner with residents to improve the quality of life for all residents. Police officers stay in Kensington because they are dedicated to the people of Kensington.

Members of the Ad Hoc Committee for Governance and Operations Structure have worked long and hard to provide a final report with recommendations about the future direction of the District. The information contained in this report must be thoroughly reviewed, analyzed and evaluated and used during any discussion or decision making process as the District looks at ways to improve how it operates and governs itself.

A strong mentor for me was retired Alameda County Sheriff Charles C. Plummer, who would always say as a police organization, "if you're not moving forward you are falling back". I believe we have moved forward as an organization as well as a community, and are looking towards the future. There is, of course, certainly much more work to be done.

It has been an honor and a privilege to serve residents of the Kensington Community.

Kevin E. Hart
Interim General Manager and Chief of Police

East Bay Times

Reallocation can remedy inequalities for East Contra Costa Fire District

By [Bryan Scott](#)

PUBLISHED: **October 3, 2016** at 11:38 am | UPDATED: October 3, 2016 at 11:40 am

Are the children of Brentwood and Oakley worth one-fifth what the children of Orinda and Moraga are worth?

Are the retirees of Brentwood's Summerset and Trilogy developments worth one-fourth as much as the retirees in Danville and San Ramon?

The East Contra Costa Fire Protection District spends \$94 per resident protecting lives and property in East Contra Costa County, while the two fire districts protecting the just mentioned Central Contra Costa areas spend \$370 and \$449, per resident.

Let that sink in for a minute: \$94 versus \$370 and \$449, per resident.

The San Ramon Valley Fire Protection District spends \$370 per resident protecting the lives and property of residents in its community, and the Moraga-Orinda Fire Protection District spends \$449 per resident doing the same thing. This is according to page 27 of the EMS/Fire Services Municipal Services Review of April 29, 2016, prepared for the Contra Costa County Local Agency Formation Commission (LAFCO).

This same LAFCO report indicates that Moraga-Orinda FD gets 17 percent of the 1 percent ad valorem property tax money collected, and San Ramon Valley FPD gets 14 percent. ECCFPD gets 7 percent to provide the same services to residents of East County.

Of course this translates to a major difference in response time, the time it takes first responders to arrive at the scene of an emergency. While the ECCFPD has a department wide response time of 11 minutes, 49 seconds, according to a June, 2016, performance report done by industry consultants CityGate Associates, the Moraga-Orinda FPD boasts an average response time of just 6 minutes, 30 seconds in their Biennial Report for 2014-2015.

That's about five-and-a-half minutes difference. This extra time can easily mean the difference between life and death, or translate into a house fire contained to room-of-origin instead of consuming the entire structure.

Is this unequal protection fair? Is it legal?

After all, residents of East Contra Costa pay the same property tax rate as those residents of Central Contra Costa, and all fire districts are primarily funded with property taxes. Should not the benefits of the California tax laws apply equally to all citizens?

The Fourteenth Amendment to the United States Constitution includes the sentence “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

By providing the ECCFPD with only 7 percent of the ad valorem 1 percent property tax funding, and enabling emergency response times that are nearly twice as long as in other parts of the county, are we in East County suffering from reduced “privileges or immunities?”

Setting the legal issue aside, let’s examine the fairness of the absurdly low allocation percentage. When the percentage was set 35 years ago it was undoubtedly fair. There were, back then, less than 10,000 people living throughout the 250 square miles of East County. Now, today, there are two general law cities, a number of unincorporated towns, and even more communities, with over 110,000 people in total. Still more people arrive in East County daily to work, study and play.

The property tax allocation percentage rate is clearly not fair when comparing the size of the current East County community and its needs with the communities and needs in Central County, or anywhere else in Contra Costa County.

It is time to reallocate the property tax allocation percentages.

Bryan Scott is a Brentwood resident who occasionally becomes a community affairs activist. He is co-chair of East County Voters for Equal Protection, a non-partisan citizens action committee whose aim is to improve funding for the ECCFPD. His email address is scott.bryan@comcast.net, his telephone number is 925-418-4428. The group’s Facebook page is located at <https://www.facebook.com/EastCountyVoters/>.

East Bay Times

Guest Commentary: Bryan Scott: East County fire task force seeks \$36 million in new taxes

By [Bay Area News Group](#)

PUBLISHED: June 14, 2016 at 2:20 pm | UPDATED: August 15, 2016 at 9:23 am

A “shadow government” made up of 10 government employees decided recently, with no public input, to seek \$36 million in new taxes from the residents of Contra Costa County.

Called the “Fire and Medical Services Task Force,” the group proposed a Utility User Tax scheme to the appointed board of directors of the East Contra Costa Fire Protection District at its monthly meeting June 6. The Fire and Medical Services Task Force has existed since June 2015, forming in the wake of a failed Benefit Assessment District effort and the closing of numerous local fire stations.

The proposed UUT will be assessed on all electricity, gas, cable and telecommunications services paid by residents and businesses within the fire district and the unincorporated areas of Contra Costa County. The expected tax rate would be between 9 percent and 10 percent, according to the presentation by Gus Vina, Task Force leader. Brentwood, Oakley and the county would ask for voter approval.

As with all shadow governments, this group operates with no public input or supervision. Its meetings are held without public notification, and the discussions at those meetings are not made public. Taxpayers who have asked to participate have been rebuffed.

At the May 26 Task Force meeting, the ECCFPD Board was told, the Task Force thoroughly reviewed all options for raising money for the district. The unanimous decision was that a UUT affecting every resident of the fire district and all residents of unincorporated areas of Contra Costa County was best.

Members of shadow governments, like the Trilateral Commission, the Bilderberg Group or the Council on Foreign Relations, are sometimes hard to identify. Members of this Task Force include Brentwood City Manager Gus Vina, Oakley City Manager Bryan Montgomery, ECCFPD Fire Chief Hugh Henderson, ConFire Fire Chief Jeff Carman, ECCFPD Battalion Chief Brian Helmick, firefighters union Local 1230 President Vince Wells, Local 1230 Vice President Gil Guerrero, Local 1230 Board Representative Bob May, Chief of Staff for Supervisor Piepho Tomi Riley, and Chief of Staff for Supervisor Mitchoff Krystal Hinojosa.

The ECCFPD currently has three stations and nine firefighters on duty at any point in time. The district covers 249 square miles of Eastern Contra Costa County, where approximately 110,000 people live. As the number of stations has decreased response times have increased, and the district’s ability to fight fires has diminished significantly.

A grass-roots community-developed proposal to realign existing tax funding priorities, adjusting allocation percentages that have not changed since the 1980s, has met with opposition from government administrators, while some elected representatives have supported the measure. Open public support for the reallocation idea has been met with loud opposition by government managers.

Simply stated, government administrators and employees want more money. They do not want to change where current tax revenues are going.

The Tax Foundation, the leading U.S. independent tax policy research organization based in Washington, D.C., has estimated that residents of California pay \$5,237.19 for state and local taxes, per capita. The Tax Foundation released a regular report in January that takes into account 26 different categories of taxes over a July 1 to June 30 fiscal year.

That translates into \$576,000,000 in state and local taxes paid by the residents of the ECCFPD. Stated another way, district residents already pay five hundred seventy-six million dollars in state and local taxes.

How much is enough?

Most fire districts in California are paid for primarily with property taxes. Because East Contra Costa County was mostly corn fields and orchards in 1978, when Proposition 13 was implemented, the ECCFPD is allocated the lowest percentage of property taxes of all fire districts in the county. Of the \$154,000,000 in property taxes (2014-2015 base tax amount) collected within the district, the ECCFPD gets less than eight percent. The county average fire district allocation is 12%, according to Local Agency Formation Commission (LAFCO) studies.

Since 2012 there have been two failed attempts to raise taxes for ECCFPD. Will this third attempt, initiated by a rogue group of government employees, many of whom would benefit from increased tax revenues, be successful?

Only time will tell.

Bryan Scott is a Brentwood resident who occasionally becomes a community affairs activist. He is co-chair of East County Voters for Equal Protection, a nonpartisan citizens action committee whose aim is to improve funding for the ECCFPD. Email at scott.bryan@comcast.net or call 925-418-4428.

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East Bay Times

Guest Commentary: Bryan Scott: It's time to talk about tax allocation reform

By [Bryan Scott](#)

PUBLISHED: July 5, 2016 at 2:28 pm | UPDATED: August 15, 2016 at 9:20 am

Now is the time for leaders to lead.

A home on Sycamore Avenue, Brentwood, was totally consumed by fire on June 25.

The East Contra Costa Fire District responded with all three of its engines, and received mutual aid assistance from fire stations in Antioch. But in the middle of fighting the Brentwood fire, those two Antioch-based fire engines were released to return to Antioch to fight a five-alarm fire.

The Sycamore Avenue home was a total loss and two people were injured.

According to a statement made by Chief Hugh Henderson, during an eight-hour period on this particular Saturday, when the ECCFPD was fighting this fire, the cities of Brentwood, Oakley and the unincorporated county areas that make up the ECCFPD were totally exposed, as the fire district was without any fire protection assets available to deploy.

The time has come for the leaders of the government agencies that provide services to East County residents to fix the structural funding problem that has caused the resource and staffing deficiency for our fire district.

It is time to reform tax allocations in East County, and transfer additional public funding equal to 5.2 percent of the jurisdiction's property taxes to the fire district.

Reforming the tax allocation practices of East County requires one of two simple procedures. Which of the two procedures is followed depends on the type of agency receiving government funding, whether it is a general government/special district entity or a school district entity.

General government/special district entities would use Section 99.02 of the California Revenue and Taxation Code. This section describes a procedure including 1) a public hearing, 2) adoption of a resolution passed by the agency, and 3) notifying the county auditor of the change. This process could be completed in as little as three months.

Using a four-year phase-in strategy, no agency funding would have to be cut. Future growth in property taxes could fund each entity's reallocation amount.

The shifting of 1.3 percent of property tax funding the first year, 2.6 percent the second year, 3.9 percent the third year, and 5.2 percent the fourth would all be absorbed by the expected growth in property tax revenues. All requirements of Section 99.02 would be satisfied.

School district entities would enter into a Memorandum of Understanding (MOU) with the ECCFPD to transfer budgetary funds equal to 5.2 percent of the property tax funds they receive. Using a four-year phase-in this public revenue transfer would equal 1.3 percent the first year, 2.6 percent the second year, 3.9 percent the third year, and 5.2 percent the fourth year.

California legislative action would codify these agreements with subsequent legislation, dealing with only these entities and the ECCFPD.

A recently released draft Municipal Services Review (MSR), published in April, 2016, by the Contra Costa County Local Agency Formation Commission (LAFCO), cites as the number one challenge for the ECCFPD the “low property tax shares in the majority of the District’s tax rate areas.”

“Due to the volunteer and extraordinarily small service populations of the predecessor dependent districts before the formation of ECCFPD, low property tax rates were allocated to fire service,” the report states.

Tax allocation reform is the ONLY way to satisfy the needs of the community, and MUST be adopted our elected leaders. A parcel tax failed in 2012, a Benefit Assessment District scheme failed in 2015, and the recent polling for a Utility User Tax indicates far less than the needed 50 percent of the voters support the measure.

The leaders of all government entities need to participate in solving this crisis by reforming tax funding allocations. To fail to do so is to be grossly out of touch with the present needs and values of the community.

Brentwood Mayor Bob Taylor, Oakley Mayor Kevin Romick: It is time to start talking about tax allocation reform.

Liberty Union High School District Board Members Joanne Byer, Pauline Allred, Roy Ghiggeri, Yolanda Pena-Mendrek and Roy Valverde: It is time to talk about this issue.

Jim Cushing, Scott Dudek, Emil Geddes, Johnny Rodriguez and Carlos Sanabria: It is time the Brentwood Union School District joins the tax allocation reform conversation.

Property tax allocation reform is the only solution to this historical, structural funding problem, a problem that continues to get worse over time.

Bryan Scott is a Brentwood resident who occasionally becomes a community affairs activist. He is Co-Chair of East County Voters for Equal Protection, a nonpartisan citizens action committee whose aim is to improve funding for the ECCFPD. His email address is scott.bryan@comcast.net, his telephone number is 925-418-4428. The group’s Facebook page is located at <https://www.facebook.com/EastCountyVoters/> on the Internet.

East Bay Times

East Bay's iconic water canal may disappear

By [Denis Cuff](#) | dcuff@bayareanewsgroup.com

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The 80-year-old concrete canal serving as the water lifeline for half a million Contra Costa County residents is wearing out and may need to be replaced by a metal pipeline, ending the life of an iconic feature of the county's development.

The Contra Costa Canal between Oakley and Concord springs leaks, gets damaged during landslides, evaporates water on hot days like a tea kettle, and continues to pose the risk of being a death trap for people, pets or wild animals who fall or jump in the water despite fencing to keep them out. Seventy-five people have drowned in the canal over its lifetime.

On Wednesday, the Contra Costa Water District Board is scheduled to commission a \$1.77 million, two-year consulting study to look at the feasibility of options for modernizing or replacing the 26-mile main stem of the canal from Rock Slough near Oakley to Concord.

A leading option is replacing the canal with a metal pipeline that could cost roughly \$400 million, district officials said this week.

"The Contra Costa Canal is nearing the end of its useful life," said Jennifer Allen, a water district spokeswoman. "It has delivered water to our area for 80 years, and now it's time to look at how we can deliver water reliably the next 80 years."

Allen said it's too early to say how much the cost of a pipeline would affect water rates in the district, which supplies Delta drinking water to some 500,000 people in Concord, Clayton, Pacheco, Martinez, Antioch, Pittsburg, Bay Point, Oakley, and parts of Walnut Creek and Pleasant Hill.

That is among the questions district officials expect to address in the study. Following the study, the district would weigh its options and consider conducting a detailed environmental impact report on a project such as a pipeline.

Ernie Avila, a water board member, said the board will give weight to the large volume of water that can be saved by replacing the canal with a closed pipeline. About 6 percent of the water moved by the open canal is lost through evaporation and seepage, the district estimates.

"As operators of a public water system, we need to look at ways to reduce leaks and manage our supplies wisely," said Avila, a member of the board's engineering committee.

The canal was built between 1937 and 1948 as the first part of the federal Central Valley Project, a series of dams and canals aimed primarily at delivering irrigation water.

The board meets at 6:30 p.m. at district headquarters, 1331 Concord Ave., Concord.



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MOFD Board Restores Firefighter Medical Benefits

By Nick Marnell

The Moraga-Orinda Fire District moved to bring firefighter compensation in line with neighboring districts Sept. 21 by approving an increase in employer-paid health care premiums, which had been capped at 2010 levels. The motion passed 4-0, with director Brad Barber absent.

The premium increases range from approximately \$100 a month for a single employee up to \$300 for an employee with a family. The hikes, which will cost the district \$229,000, kick in Jan. 1 and run through the end of the labor contract in June 2018.

The action comes at the behest of Fire Chief Stephen Healy, who told the board that the current firefighters' contract, which included a first year pay cut and was signed reluctantly by the union in 2014, had lowered morale and frustrated his ability to retain and recruit firefighters. After the new contract took force, MOFD lost firefighters to Contra Costa, Santa Clara and Alameda county fire agencies. The district recently filled its last openings and will send two probationary firefighters to a training academy in mid-October.

Once the employer-paid premium increases take effect, district medical benefits will more closely align with those of neighboring fire agencies, but salaries will still lag behind. According to published documents, MOFD firefighter-paramedics at the highest grade earn a salary of \$99,348 a year, not including overtime or benefits. The same position at the Contra Costa County Fire Protection District pays \$104,845; the Alameda County Fire Department, \$110,040; and the San Ramon Valley Fire Protection District, \$112,572.

Increasing the employee medical benefit was not the board's first attempt to mollify the firefighters' union. In December, with its financial picture having improved, the district agreed to a 2.5 percent wage increase for the firefighters seven months earlier than outlined in the original contract. But the union complained that the original pay cut was unnecessary and that the increase still left the firefighters with the same pay they made in 2008.

Board president Steve Anderson not only voted against the 2.5 percent increase last year, he also voted against the original contract because he objected to the automatic pay increases it provided. This time around Anderson changed his approach. "I know that they took a hit, and this gives the firefighters some recognition for the sacrifice they made," Anderson said later. He stressed that the premium increase will not impact the district long-term, and that it will have no effect on future labor negotiations.

"It's a step in the right direction toward bringing our salary and benefit package on par with similar fire districts in our job market," said Mark DeWeese, MOFD Local 1230 representative.

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[back](#)

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