

# Group tries to raise \$4 million to preserve Carquinez-area open space

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MARTINEZ — The stewards of ranches, trails and historic sites throughout the East Bay have announced an effort to raise \$4 million to save a large open space property in the Martinez hills from development.

The group, known as the [John Muir Land Trust](#), oversees 13 of Contra Costa’s most beautiful and well-traversed hiking trails, including the Acalanes Ridge and the Fernandez Ranch. They’re trying to raise \$4 million by the end of 2019, and have already secured a \$1 million pledge from the East Bay Regional Park District, the group announced in a news release.

The money raised will go toward protecting Almond Ranch, a lush, 281-acre section of the Martinez hills that runs alongside Franklin Canyon Road and sits next to Mount Wanda. The land is being used as a cattle ranch, and the Muir Land Trust wants to eventually open it for “hikers, dog walkers, cyclists, bird watchers, equestrians and nature lovers of all ages,” according to the group’s news release.

“All of the benefits of conservation literally intersect here,” Linus Eukel, Muir Land Trust’s executive director, said in a written statement. “The ranch protects habitat and clean water, offers close-to-home outdoor recreation and makes critical trail connections that have been on everyone’s wish list for decades.”

The group calls the property the “missing piece” because it is surrounded by open-space properties that are open to the public and would connect to sections of trails throughout Contra Costa County.

“People will be able to hike through Mount Wanda, through Almond Ranch, through Sky Ranch — they’ll just be able to hike out for miles that way,” said open space ranger Glen Lewis.

If the money is raised, the ranch will close a gap in the Bay Area Ridge Trail. It is one of two properties needed to close a 50-mile gap in the Carquinez Strait Scenic Loop Trail, which runs through Solano and Contra Costa counties.

“Land of this quality situated where it is will end up in one of two ways,” Eukel said. “We will achieve conservation, but were we to not, it would be developed.”

The \$1 million pledge from the East Bay Regional Park District will come from Measure WW funds. The group hopes to get another \$1 million toward the effort if Proposition 68 — a bond measure supporting local parks and natural resources — passes in the election this June. The John Muir Land Trust also holds regular fundraising events and [has one scheduled for April 28](#).

“Adding Almond Ranch to the places already acquired on Franklin Ridge by JMLT would be the perfect outcome,” said East Bay parks board member Colin Coffey in a written statement. “We’re excited to make the lead contribution.”

## East Bay Times

# Proposition 68: Will voters approve \$4.1 billion for parks and water projects?



Spring wildflowers at Carmel River State Beach on Wednesday, March 21, 2018. (Vern Fisher – Monterey Herald)

By [Paul Rogers](#) | [progers@bayareanewsgroup.com](mailto:progers@bayareanewsgroup.com) |

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The last time California voters passed a statewide ballot measure to provide funding for parks, beaches, wildlife and forests, it was 2006. Arnold Schwarzenegger was in his first term as governor, Twitter was a fledgling app, and the iPhone hadn't been invented yet.

Since then, California's population has grown from 36 million to 39.5 million — the equivalent of adding a new San Francisco, San Jose and San Diego. So environmentalists say it's time for voters to pass Proposition 68, a \$4.1 billion bond measure to spruce up run-down parks, upgrade water projects and protect scenic open space from sprawl development.

A broad coalition that includes Gov. Jerry Brown, the California Chamber of Commerce, the American Heart Association and virtually every major environmental group in the state is backing the measure on the June 5 ballot. It needs a simple majority to pass.

“Think of some of the most amazing amenities the state has, like the Santa Monica Mountains, the Marin Headlands and Big Sur,” said Mike Sweeney, executive director of the Nature

Conservancy's California program. "Who in their right mind says it was a bad financial decision to preserve those places? You never hear that. Decades from now, people will be thanking us for having done something today rather than waiting."

Opponents, largely made up of taxpayer groups, say the state should instead fund parks from its general fund, and not through issuing debt. They also argue that too much of the money would go to urban parks in Southern California.

"We have a significant budget surplus," said Jon Coupal, president of the Howard Jarvis Taxpayers Association. "Rather than going into debt, if these parks are truly a priority — and they are — why not finance improvements on a pay-as-you-go basis?"

California's 280 state parks have a maintenance backlog estimated at \$1.2 billion, including crumbling roads, aging sewer systems and leaky roofs, and some of the measure's money will be used to reduce that backlog.

As of May 9, the Yes on 68 campaign had raised \$4.9 million and had \$3.7 million left to spend. Major donors included the Nature Conservancy (\$930,000), Save the Redwoods League (\$350,000) and the Peninsula Open Space Trust (\$300,000). Other large donors include Julie Packard, executive director of the Monterey Bay Aquarium (\$250,000), her sister, Nancy Burnett (\$200,000), and Anne Earhart of Laguna Beach, the granddaughter of oil magnate Jean Paul Getty (\$200,000).

"Every Californian should have access to a nearby safe park, a clean beach or a well-maintained campground," said Packard, who noted that the state did a good job protecting beaches, forests and parks in past generations, but now is "falling behind in taking care of these resources and also making sure they're available to all Californians."

There is no organized campaign against the measure.

The Yes campaign's internal polls show Proposition 68, written by state Sen. Kevin de León, D-Los Angeles, and placed on the ballot by a two-thirds vote of state lawmakers last year, is slightly above 50 percent support as voters begin to cast mail-in ballots.

If approved, the measure would provide funding in three main categories, with about two-thirds going to parks and wildlife, and one-third going for water and flood control projects:

- Parks and recreation: \$1.283 billion- \$725 million to neighborhood parks, particularly in low-income communities- \$285 million to cities, counties, and park districts to improve facilities- \$218 million for state parks restoration and upgrades- \$55 million for trails, bike paths and rural recreation
- Natural Resources: \$1.547 billion- \$767 million to state conservancies and wildlife conservation projects- \$443 million for climate change preparedness and resiliency- \$175 million for beaches, ocean and coastal protection- \$162 million for river and waterway projects

- Water: \$1.27 billion- \$250 million for drinking water treatment and quality- \$370 million to groundwater cleanup and recharge projects- \$550 million for flood protection- \$100 million for water recycling projects

Californians usually support funding for parks, water projects, schools and highways. Since 1993, voters have approved 31 of 39 state bond measures, a 79 percent success rate, according to a review by Ballotpedia, an online encyclopedia of American politics.

A separate water bond, for \$8.9 billion, recently qualified for the November ballot.

The last parks bond was Proposition 84, a \$5.4 billion measure for parks, water and flood control projects that was approved by 54 percent of state voters 12 years ago. Apart from new levees, drinking water treatment plants and other water projects, funding from that measure paid for a new campground for RVs and tents at Fort Ord Dunes State Park; new trails, restrooms and parking at McLaughlin Eastshore State Park, which extends from Richmond to Oakland; and the restoration of historic buildings at Angel Island in San Francisco Bay and in Old Town San Diego.

It also funded a new visitors center at Calaveras Big Trees State Park in the Sierra Foothills; new entrances, roads and restrooms at Pfeiffer Big Sur State Park, Donner Memorial State Park and Marshall Gold Discovery site; and acquisition of land around Lake Tahoe, the Los Angeles River and the Coachella Valley Mountains.

Bonds are like IOUs. The state sells them to investors, and then pays them back with interest, usually over 30 or 40 years. How much bond debt does the state have? The current 2017-18 state general fund budget is \$129.8 billion. Of that, 4.08 percent, or \$5.295 billion, goes to pay debt service, according to the state Department of Finance. It's a ratio below the 5 percent level that many budget analysts around the nation recommend as a ceiling. If Proposition 68 passes, it would add roughly another \$200 million a year in debt service, or about .15 percent, to that total.

Carl Guardino, president of the Silicon Valley Leadership Group, a business group that has endorsed Proposition 68, said water projects are badly needed, and parks raise property values and reduce other costs to taxpayers.

"Kids need a safe place to run and play," Guardino said. "I want that for my kids in wealthy Los Gatos. And I think kids in poor neighborhoods throughout the state deserve the same opportunities. Would we want our kids playing in a safe place rather than being tempted by gangs? There's community investment or societal costs."

## San Francisco Chronicle

# Affordable-housing building costs worry S.F.

*By J.K. Dineen*

*May 22, 2018*

A mix of escalating construction costs and changes to the federal tax code is hampering San Francisco's ability to finance and build affordable housing. And the situation may only get worse even as the housing crisis forces thousands of families to flee to less-expensive cities.

That was the message from city housing officials Monday at a special "cost summit" convened by Mayor Mark Farrell. The group — about 50 nonprofit developers, architects, labor leaders and contractors — was asked to spend the next two months coming up with solutions for tackling the city's spiraling housing construction costs.

Affordable projects in San Francisco now cost an average of \$750,000 per unit, 17 percent more than the average of \$627,000 just two years ago, said Kate Hartley, who heads the Mayor's Office of Housing and Community Development. Between 2014 and 2017, the typical affordable housing project had a funding gap — the amount not covered by bonds, state money or tax credits — of about \$235,000 per unit. That number is now \$342,000 per unit.

The jump in costs has sent both market-rate and affordable builders — along with city housing officials — scrambling to find other funding sources and redesign projects to save money.

"Every project that comes in is coming in at 10 or 15 or 20 percent more than originally budgeted for," Hartley said.

While construction costs have been ratcheting up annually since the recovery kicked in in 2012, the corporate tax changes passed by Congress last year are also hampering the financing of affordable housing, Hartley said. The reduction of the corporate tax rate from 35 to 21 percent means that there are fewer companies looking to buy Low-Income Housing Tax Credits — an \$8.3 billion program that is the biggest source of affordable-housing construction financing. A lower tax rate means fewer corporations are competing for the credits, which reduces the amount that affordable developers can sell them for.

Hartley said the weakening in the tax-credit market is costing San Francisco about \$50,000 a unit in equity — money the city has to make up — and has contributed to delays in the start of several affordable-housing projects, including Mission District projects like 1296 Shotwell and 490 South Van Ness.

"The pool of investors has shrunk considerably," she said.

Farrell said the group's objective is to "tackle the unprecedented construction costs that threaten the city's affordable-housing production."

He asked the summit attendees to join one of three working groups that will explore how housing development could be more cost-effective. One committee will look at labor costs and workforce

development; one will study how government-regulation reform could reduce the time and price of building; and a third will look at how design and materials could reduce the price of development.

Farrell directed the working groups to “find real, actionable solutions to the affordability problems that are causing gridlock in our housing production.”

“We cannot provide affordable homes for our families if we cannot afford to build these homes to begin with,” Farrell said. “Our teachers, janitors, nurses and other working-class residents cannot wait forever for the city to find ways to build homes quicker and cheaper.”

The cost of construction — together with San Francisco’s highest-in-the country affordable-housing requirements — is also stalling market-rate developments. That means less money for affordable projects because much of the local money San Francisco spends on below-market-rate units comes from fees paid by market-rate developers.

“This is a very challenging cost environment for construction in all sectors, and we understand that it feels particularly difficult when looking at affordable housing,” said Kathryn Cahill, CEO of Cahill Contractors.

Affordable developer Sam Moss of Mission Housing said the inability to bring costs under control could mean that the city might get a smaller percentage of the \$4 billion in affordable-housing bond money that will be on the state ballot in the fall.

In 2016, the California Debt Limit Allocation Committee, which administers the tax-exempt bond program, concluded that more affordable housing could be built in other parts of the state because San Francisco’s costs were so high.

“We need to figure out how we are going to fix this — the threat of the bond money not coming here is very real,” Moss said. “We should all be extremely worried because that would be a self-inflicted wound.”

Fernando Marti, co-director of the Council of Community Housing Organizations, said affordable buildings struggle to compete in a marketplace where most general contractors and subcontractors are busy building luxury high-rises and office towers. He attributed the rise in construction costs to the fact that more and more affordable buildings are mid-rise towers rather than five-story, wood-frame buildings.

“Up until four years ago, it was rare to see a city-funded affordable project be anything but wood-frame” he said. “It’s a new world.”

Rick Williams, a partner with Van Meter Williams Pollack Architecture, said he thinks a concerted effort can reduce costs by 10 percent, possibly more.

“Everybody is starting to see projects put on hold and are starting to realize that these costs can’t keep going up forever,” he said. “Nobody wants us to go into another recession because construction costs are so high and everyone stops building. We have to be very careful and work very hard to solve this.”

Marti said the fact that the mayor’s office is leading the cost-control initiative is promising.

“It’s not a new conversation, but it’s being elevated in a way I haven’t seen before,” he said.

## Water Deeply

# Little-Known Accounting Policy Could Fuel Green Infrastructure Surge

Most water agencies don't think of local water projects like green roofs or efficiency rebates as assets, but now they can. And that means agencies can now access capital markets for funding, which could help dramatically grow these projects.

Written by [Tara Lohan](#) Published on **May 23, 2018** Read time Approx. 4 minutes



A drought-tolerant green roof garden in Los Angeles. These types of projects could get a boost from a better understanding of an accounting practice that allows public agencies to finance such projects as assets.

In the years to come, we're likely to see a lot more "green" and distributed infrastructure projects from water utilities, like permeable pavement, rainwater capture and efficiency rebates. That's because coming up with the money needed to scale these projects just got a lot easier.

In the water world, most big infrastructure projects like treatment facilities and pipelines are usually financed by water agencies selling bonds, which can help them raise millions of dollars for a project that only needs to be paid off a little bit at a time over many years. That's because these projects are owned by the agencies and are considered an asset on which they can capitalize.

But turf removal programs, green roofs and other localized water projects that can have significant impact on water consumption – often referred to as "distributed infrastructure" – weren't typically considered an asset because they weren't actually owned by an agency. Instead rebates for these kinds of projects were funded from operating budgets, which often isn't enough to really scale such efforts.

But the [Government Accounting Standards Board](#) (GASB), which is an independent organization that establishes accounting and financial standards, approved a policy [implementation guide](#) on



May 7. This time one of the guidelines it addressed was Statement No. 62 (also referred to in shorthand as GASB 62).

GASB 62 has actually been around for years, but it wasn't well known. That prompted GASB this month to clarify the language around "business-type activities" of public agencies.

"There is a universe of things that public agencies spend money on. Some of it is straightforward: If you're buying chemicals every year, that's an annual expense, and if you're building a treatment facility, that's a capital asset," said Cynthia Koehler, executive director of the San Francisco-based nonprofit [WaterNow Alliance](#) and board member of the Marin Municipal Water District. "In between are things that GASB recognizes as 'business type activities' of public agencies."

GASB also refers to these as "regulated operations," and GASB 62 says that it's possible for these regulated operations to be considered assets that can be capitalized.

While this language may be new to many folks not in the accounting world, what it means in the real world is that many water agencies will now be able to use bonds to fund things they didn't typically consider an asset before. In particular, distributed infrastructure projects.

It's "potentially a massive game changer," said Koehler.

But for a water agency to be able to capitalize regulated operations, it needs to meet some criteria. It has to have a governing board able to set its own rates and it needs to be able to set rates that are likely to recover the cost of the regulated operation.

If a public agency can do that, "the money you spend can be considered an asset and once you have an asset you can bond-fund it," said [Ed Harrington](#), who served as the controller for the city and county of San Francisco and later as the general manager of the San Francisco Public Utilities Commission until he retired in 2012.

This is a big shift for most water utilities, which are used to thinking about fixed things like pipes and pumps as assets. But GASB's latest guideline is confirming that this practice of capitalizing regulated operations is definitely above board. "This guidance connects the dots from a statement that has existed for some time, specifically to water utilities and how they book expenses for distributed infrastructure," she said.

Now utilities can raise a lot more money for distributed infrastructure projects that they can then pay off slowly over many years, instead of trying to finance projects with cash on hand. That opens up the door to more money for initiatives like cash-for-grass rebates, leak detection devices, rainwater capture, graywater reuse, green roofs, constructed wetlands, permeable pavement, direct installation of high efficiency toilets or fixtures, and smart irrigation control rebates.

These distributed infrastructure projects have huge potential. A [2014 report](#) from the Pacific Institute, an Oakland-based global water think-tank, found that there's the potential to save 3.1 billion to 6.4 billion cubic meters (enough water for 5.8 million to 10.4 million families a year) through efficiencies in the urban water sector alone in California. "Our analysis focused on the savings that could be achieved through more widespread adoption of technology and practices

that are available and already in use in California and elsewhere around the world,” the Pacific Institute found.



An 865-gallon rain barrel next to a water filter and micron filters for harvested rainwater on a green home in Los Angeles. (Citizen of the Planet/Education Images/UIG via Getty Images)

And that will bring more than just financial benefits, said Rowan Schmidt, program director for finance and investment strategies at [Earth Economics](#), a nonprofit that helps organizations make investment and policy decisions by taking nature into account. “Green infrastructure will support core services, but you also get these co-benefits out of it like increased resilience compared with centralized infrastructure, as well as health benefits and property value improvements.”

If a community has issues with flooding, for example, Harrington said, instead of using pipes and pumps to tackle the problem, agencies can explore other distributed or green infrastructure options. “You can say I’m going to go much more into permeable pavement, green roofs, those kind of things that use nature, that bring the water back into the aquifer, that avoid flooding, that can be very efficient and cost effective and can be done much quicker,” said Harrington. “It’s not to say you’re never going to need pipes and pumps, but you could probably meet a good amount of the flooding problem if you just returned things back to the way they were before there was so much concrete.”

The next step now is getting the word out, said Schmidt. “I think there is a lot of education required. How do we get the mechanism to scale up across thousands of utilities and special districts across the country?”

The challenge, added Koehler, is for groups like WaterNow Alliance and Earth Economics to help explain what this opportunity is all about, and to socialize and normalize it. “Opportunity is the operative word,” she said. “There’s no mandate here. What to me is great about it is the flexibility. It’s there if you want to use it, it’s this opportunity, but nobody is forcing you to go this way.”

**East Bay Times**

# After threatening fire chief, Rodeo-Hercules Fire District chair is demoted

By [Aaron Davis](#) | [aarondavis@bayareanewsgroup.com](mailto:aarondavis@bayareanewsgroup.com) | Bay Area News Group  
May 24, 2018 at 5:19 pm

HERCULES — The Rodeo-Hercules Fire District recently voted to remove the chair from his position after alleged harassment and threats, including a threat to “crucify” the interim fire chief.

The Rodeo-Hercules Fire District board voted on May 9 to remove Ernest Wheeler as chair of the board after an internal investigation, among other things, found that Wheeler had threatened to “crucify” acting Fire Chief Bryan Craig over a disagreement on the use of district funds.

Directors Andrew Gabriel, Raemona Williams and Marc Thorpe voted in favor of removing Wheeler as chair, and director Bill Prather voted against.

“I’m in support of Ernie, but he crossed a line when he went after the fire chief and said he’d fire him, crucify him,” Vice Mayor Dan Romero said. “As a politician, you hire administrators to do everything and he thinks the fire chief hasn’t been honest to the board about everything.”

The main complaint against Wheeler surrounded an incident on Feb. 14, when Wheeler met with Craig to talk about over-expenditures on outfitting fire district vehicles. He has requested the district do a forensic financial audit.

According to an internal investigation report, Wheeler said the fire chief was “constantly doing things without Board approval,” and told Craig that he “better resign” at the meeting that night. As he left, Craig asked if that was a threat and Wheeler replied, “I will crucify you tonight.”

Wheeler didn’t deny that he said this, but characterized the complaint and an internal investigation as an attempt to discredit him.

“It’s a political move. I uncovered fraudulent financial records and called him on it,” Wheeler said.

In March, a letter from attorneys representing Contra Costa Firefighters Local 1230, alleged that Wheeler had told a firefighter he would not be promoted as long as he was a union board member.

“My basic feeling on this is that it truly is a shame that the district is going through this. We’re a fire department and we like to be always looked at in a positive light,” Craig said. “It has a negative impact on the fire chief and we should try to move forward.”

At the May 9 fire board meeting, numerous individuals spoke up against Wheeler's behavior but some defended him. The subject veered toward Wheeler's history, including a 2017 restraining order filed against him by an ex-girlfriend who accused Wheeler of stalking her. As part of the order, Wheeler had to turn in his Colt M4 and LWRC M6 rifles to a firearms dealer.

"He has threatened other firefighters and girlfriends on the side and he is a danger to everybody," said resident Chris Tallerico, who spoke up at the meeting.

Wheeler said in that meeting that the evidence of stalking was fabricated and represented a "street mob mentality." However, no court records support Wheeler's claim, but more than 100 pages of evidence, along with statements from the ex-girlfriend's attorney, appear to contradict claims that the case was fabricated.

At the May 9 meeting, Wheeler stated "once (the restraining order) goes away, I get my guns back."

In voting to censure Wheeler, director Thorpe said he was disturbed by Wheeler's statements about his guns.

"Not so much the return of his guns — to some extent I support the Second Amendment — but that's a whole other issue. His anger combined with that statement bothers me. I don't think the anger is appropriate and it makes me nervous."

On May 7, Wheeler emailed a letter of intent to file three lawsuits against the district, alleging libel, slander and First Amendment rights violations.

## East Bay Times

# Raise for Martinez police officers brings ray of light in shorthanded storm

By [Rick Hurd](#) | [rhurd@bayareanewsgroup.com](mailto:rhurd@bayareanewsgroup.com) | Bay Area News Group  
May 25, 2018 at 1:56 pm

MARTINEZ — It's a start.

That's about as far as the primary players would go when talking about the critical task of keeping this city safe, a job they say has been an uphill climb recently. On May 1, the City Council approved an 8 percent pay increase for its police officers, effective July 1. That bump of pay comes on top of the regularly scheduled 4 percent increase that was coming on the same day, a result of the city's contract that runs through June 30, 2019.

The decision offered a signal that the heaviest part of the storm may be past the Martinez Police Department. That said, the skies aren't exactly blue and sunny.

"This was really the perfect storm in the making," 24-year veteran Martinez police Officer Mike Estanol said. "It's gonna take a long time putting it back together."

The department's extremely shorthanded conditions "came to a head" about a year ago, Chief Martin Sappal said, and can be summed up this way: They've had so few officers available to patrol the neighborhoods that Sappal and his other command staff have done it themselves.

According to public figures, the average annual salary (\$85,536) and total compensation (\$143,316) for an officer in Martinez is significantly below neighboring cities Concord (\$100,896, \$158,364) and Pleasant Hill (\$100,128, \$163,980).

Estanol, the spokesman for the Martinez Police Officers Association, said a number of events led to the discrepancy, chief among them the procrastination of city leaders and the 2008 stock market crash.

"We never asked for raises," Estanol said. "I mean we'd bring it up, but were always told, 'Next time, next time.' Then the market crash (of 2008) happened, and our city couldn't make it work, so we fell further and further behind"

Normally, the department staffs 37 officers. Currently, only 31 man the department, though one of those vacancies will be filled by another officer who will return after recently taking the same position in Pittsburg. A recruiting drive is coming in June, but even then, only one of every 40 to 50 applicants ever make the final cut.

"Even with the 31 officers, two are in training, so they're not functional yet," Sappal said. "Then you have to make time for vacations and time off. So right now, we effectively have 23 usable

officers. Three officers had to go to dispatch. Command staff has had to be out in the field. I try to avoid it. It's not a good practice. But I'm out there. As a department head, I worry about burnout, and at what point does it get better?"

The shortage forced Sappal to pull an officer who was the department's liaison with the homeless community. Another officer whom Sappal used strictly on traffic enforcement is back in the field.

A second officer who went to Pittsburg is not returning. A third officer exited Martinez to take a lateral spot with San Pablo police. Several others have applied to other agencies over the past year, Estanol said.

The most recent raise approval did signal a move in a more positive direction, he said. The pay increase will cost the city \$720,000, which City Manager Anne Cardwell said in her report to the City Council would be paid from city reserves that have not yet been allocated.

"We think things are turning around a little bit," Mayor Rob Schroeder said. "In any kind of labor market, when you have a lot of jobs out there, you have a lot of competition and that creates some of these issues. Having said that, public safety is No. 1, and without public safety, everything else goes to hell."

Estanol called the raises a "short-term fix," and questioned whether they will provide any long-term sustainability.

Schroeder sounded caution, too, saying that "this is a very precarious time in our budget," because of costs related to the California Public Employment Retirement System "going through the roof." He said the city is in the process of getting a measure on the November ballot to address the concerns.

"The key question is what's the long-term sustainability," Estanol said. "We understand that we're expensive to deploy. At the same time, we're not asking to be the highest-paid officers in the county. ... As it stands now, most of our officers can't afford to buy a home in the city."

It's not exactly the kind of fact that lifts the spirits of the rank and file.

"Morale is down, but it's fair to say it's on a swing back up," Estanol said. "To be honest, those of us who work in this city like it and don't want to leave. If I didn't have a mortgage and bills to pay, I'd be happy to work for free. But we do have those bills, and they aren't getting any cheaper."

## East Bay Times

# Moraga: After defeat, council decides against stormwater measure in November



A traffic light is swallowed up by a 30 foot wide sinkhole at the intersection of Rheem Boulevard and Center Street in Moraga, Calif., on Monday, March 14, 2016. The sinkhole occurred Sunday around 2:30 pm and is an estimated 18-20 feet deep. PG&E spokesperson Tamar Sarkissian stated that there are about 2,500 people in the area without natural gas service. (Jose Carlos Fajardo/Bay Area News Group)

By [Jon Kawamoto](#) | [jkawamoto@bayareanewsgroup.com](mailto:jkawamoto@bayareanewsgroup.com) | Bay Area News Group  
May 25, 2018 at 6:45 am

MORAGA — Stung and disappointed by the defeat of a stormwater fee measure last week, Moraga Town Council members decided against putting the issue again before voters in November.

Instead, the council members agreed Wednesday night to allocate an expected increase in property tax revenues in the upcoming 2018-19 fiscal year budget toward fixing and improving Moraga's storm drainage system.

Council members also agreed to have new Town Manager Cynthia Battenberg come up with a priority list and a plan to address the storm drainage system. They also discussed the possibility of another measure, but not until 2019 or 2020 at the earliest.

“We should not be putting anything on the ballot in November,” said council member Kymberly Korpus, who said five months isn't enough time to change the minds of residents who voted

against the fee plan. Korpus also said she was “very disappointed” by the vote and described the storm drainage system as a “huge unfunded capital need.”

The measure was defeated May 17. Results showed that 52 percent, or 1,744 property owners, voted against the proposal, while 48 percent, or 1,607 property owners, were for the plan.

The measure proposed a fee ranging from \$67.59 to \$150.31 per house and would have raised about \$787,100 for fiscal year 2018-19. Since Moraga incorporated in 1974, there have not been any revenues dedicated for maintaining and improving the storm drainage system, according to the Moraga website.

“We are pleased that Moraga property owners defeated the poorly conceived storm drain fee measure,” said Brent Meyers, of SMARTMoraga, which opposed the measure, in an email before the Wednesday council meeting. “Beyond the measure’s structural deficiencies, the town’s significant efforts to campaign in favor of the tax directly and through its advocacy group – without any effort to deploy existing funds for infrastructure, and obfuscating the existence and purpose of those funds – was disappointing. We believe each of these, standalone, was reason enough to reject the measure, and it is likely the defeat would have been even more pronounced had the town included an ‘argument against’ in its ballot materials to provide a more balanced perspective for voters.”

Meyers added: “We hope this defeat will cause the town’s leadership to be introspective in terms of the use of existing tax dollars and the manner in which it conducted its campaign activities at the public’s expense, and that it will be more receptive to the public’s input and ideas than it has been historically.

“We also are hopeful that the town will do what it should have been doing initially: budgeting properly for maintenance and repairs; spending existing tax dollars and other sources of revenue for their intended purposes; prioritizing resident and town ‘needs’ over ‘wants’; and being open and honest with its residents,” Meyers said in the email.

Council member Jeanette Fritsky said she was “disappointed” in the results and blamed the council in part. She said the town needs “to look at ways of working together” because the “issue (of storm drainage system needs) isn’t going to go away.”

“A big part of the no vote has nothing to do with stormwater, nothing,” Fritsky said Wednesday. “It had to do with people’s vitriol against our council and what is happening and what has happened in the past. And I think we have to own that. I think we have to improve. I think we have to improve on transparency. I think we have to improve on decision-making.”

Instead of proposing a ballot measure in two years, Fritsky suggested the town council “start from ground zero” and look at options.

“We can do better; we need to do better because this is the first I’d call ‘smack in the head’ for our council and our town as to what people are thinking,” she said. “I own up to this. I think it was our fault.”



Published May 30th, 2018

## Fire officials issue defensible space guidelines

By Nick Marnell



Weed abatement is needed in a big way at this Moraga property. Photo Nick Marnell

Bay, it's all gone. The entire community - no more neighbors, churches, schools - they're gone. It is well worth the investment of time and energy to prevent this." Fire officials stress tree trimming, with no low branches under 6 feet from the ground. Keep the tree branches 3 to 5 feet away from the roof, and remove dead trees. "Lafayette has more trees than anywhere in our district, plus Lafayette is in a Very High Fire Hazard Severity Zone - there are bigger potential problems in Lafayette than anywhere else. Pay attention to what's going on around you, especially in the Upper Happy Valley and Hunsacker Canyon areas," said Robert Marshall, fire marshal of the Contra Costa County Fire Protection District.

Marshall also advised homeowners to keep their gutters cleaned. "People only think about cleaning their gutters in the winter, but do it in summer too. An ember can land into a clogged gutter and ignite," he said.

"We have been very fortunate in Lafayette over the past few years not to have had any devastating wildfires, and I hope the residents will take our recommendations seriously and we can have another safe year," ConFire Chief Jeff Carman said.

MOFD offers individual home assessments so homeowners can understand how unruly vegetation can prevent their home from surviving a fire. Tall grasses can be especially dangerous, Leonard said, so trim them to 3 inches. And clear out underbrush. "Grass transitions to small shrubs to large shrubs to trees. It's like building a campfire - you start with kindling, and go up to logs," Marshall said.

Leonard noted that people who live on an interior street have sometimes 15 feet of open space between their fence line and a major arterial like Moraga Way, which is a major Moraga evacuation route. Homeowners must maintain that area as the open space is on their parcel. In a heightened emphasis for 2018, the district will be leaving notices to clear the open space on approximately 350 parcels along Moraga Way.

MOFD will focus on improving its messaging this year by mailing out postcards, placing sandwich boards throughout the district, and posting information on social media and the district website, to make clear that everyone has to do their part. "Due to the semirural nature of our area and our proximity to large areas of undeveloped land, the risk of wildfire is very high," Fire Chief Dave Winnacker said. "Defensible space reduces the risk of damage to individual properties, and when taken in the aggregate, reduces the risk to entire neighborhoods and our community as a whole."

"We're burying our heads in the sand if we don't do anything," Leonard said.

Weed abatement deadline for Lafayette is May 31 and for Moraga and Orinda is June 15.

According to the California Department of Forestry and Fire Protection, defensible space is the buffer you create between a building on your property and the grass, trees, shrubs or wildland areas that surround it. This space slows or stops the spread of wildfire and it protects your home from catching fire - either from direct flame contact or radiant heat. Defensible space is also important for the protection of the firefighters defending your home.

After the horrors of the 2017 North Bay wildfires, both Lamorinda fire agencies are pushing extra hard this year to convince residents of the importance of this fire safety measure.

"Your home is your most important asset," said Kathy Leonard, fire marshal of the Moraga-Orinda Fire District. "Not just the building, but the contents. The loss of life's memories - you can't put a price on that. In the North

## East Bay Times

# Lafayette mayor clarifies his stand on contentious housing ballot plan



Mustard plants grown along the hillside of a proposed housing development site along Deer Hill Road on Wednesday, March 7, 2018 in Lafayette, Calif. (Aric Crabb/Bay Area News Group)

By [Jon Kawamoto](#) | [jkawamoto@bayareanewsgroup.com](mailto:jkawamoto@bayareanewsgroup.com) | Bay Area News Group  
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LAFAYETTE — With less than a week to go before voters decide the fate of a contentious housing development, the Lafayette mayor clarified his support of the measure following the release of a campaign flier by supporters.

The latest in a series of campaign issues has to do with a Yes on L flier sent out May 23, with the cover headlines: “You make the call on Measure L ... YES or NO?” with photos and the smaller headlines, “Measure L, The Homes at Deer Hill” and “The Terraces Apartment Project.” The flier, which implies that an apartment complex will be built if voters reject a 44-house project, was paid for by Yes on L and from Dennis O’Brien, including the O’Brien Land Company, the developer of the project.

Tatzin posted on Nextdoor that he supports Measure L because he says “the project is an OK compromise ... and you are concerned about the risk and uncertainty regarding what happens next that a no vote creates.”

Tatzin added, “I still believe that key decisions may occur in court if no wins and possibly if yes wins.”

On June 5, voters will decide the fate of Measure L, which is proposing 44 houses on 22 acres, with a sports field, a playground, roundabout, dog park, parking lot and 11 acres of public parklands and trails.

Supporters and opponents disagree about the project's pollution risks and potential health hazards to people, especially children; the effect on traffic; location of the sports field and the playground; and the possibility of a 315-unit apartment project called the Terraces being built if the current proposal is defeated. Save Lafayette, a preservationist group opposed to the plan, says if the 44-house project is defeated, a referendum can be held on a future plan. The Lafayette city attorney has said repeatedly that the Terraces plan cannot be put up for a referendum.

Linda Murphy, a 19-year Lafayette resident and Acalanes High School and Stanley Middle School parent who is not affiliated with the Yes on L campaign, said in a Tuesday interview that the housing development is a "good compromise." She wants voters to be practical and realizes that the Deer Hill site is private property and will be developed, regardless of the outcome of Measure L. She said this is a rare opportunity for voters to decide on a plan.

"I want people to have their eyes wide open about this," she said. "I don't think the public realizes this is private property. If you think that by voting 'no,' you're voting no on development, you're wrong.

"It's not a scare tactic (about the Terraces apartment plan)," she continued. "We don't know how this will turn out. I would doubt the developer will try to negotiate a better deal if this is rejected."

Meanwhile, opponents are questioning the conclusions of the developer's commissioned report in April on air pollution risks at the Deer Hill site above Highway 24. They contend that the methodology was flawed and disagree with the finding that there is not a significant health risk.

In a May 19 letter to the Lafayette City Council, Devra Davis, a visiting professor of medicine at The Hebrew University in Jerusalem, Israel, who says she has experience in environmental health, said she reviewed the April 2018 pollution assessment and raised several issues about the methodology. Davis looked at the report by PlaceWorks, the Berkeley firm that did the study, at the request of some Lafayette residents.

"I consider it highly inadvisable for children's activities to be placed close to busy roadways and their unavoidable exposures to gaseous and particulate toxic air pollutants," Davis wrote.

In response, Angela Ramirez Holmes, spokeswoman for Yes on L, said: "Lafayette leaders would never put kids at risk, and we are all concerned about air quality."

Holmes noted that PlaceWorks determined that "there is no significant cancer-related, chronic, acute or particulate matter related health risk to park visitors and sports field users."

In a May 29 email to Bush of PlaceWorks, Alison Kirk, senior environmental planner with the Bay Area Air Quality Management District, stated that the Deer Hill housing project "does not

exceed the air district's California Environmental Quality Act significance thresholds for risk and hazards at either the individual threshold or cumulative threshold level.”

Kirk said the air district staff has reviewed the health risk assessment for the project and agrees with PlaceWorks' conclusion that hazardous air emissions from Highway 24 and other sources within a 1,000-foot radius of the project “not going to exceed the air district's significance thresholds, and that no mitigation measures are required at the project.”

Kirk added that the air district did not find that the project site has elevated levels of air pollution and it does not recommend “avoiding use of the project site for vulnerable populations such as children.”

Published May 30th, 2018

## Chief praises firefighters for improved MOFD turnout times

By Nick Marnell



Firefighters from the Moraga-Orinda Fire District contained a May 16 structure fire to the garage at 199 Corliss Drive in Moraga, with minimal fire, heat or smoke damage to living space in the home. No residents or firefighters were injured. Because of the extensive fire damage the cause and origin of the fire remain under investigation.

According to the district incident report, the call was dispatched at 8:17 a.m. and the first responding unit arrived seven minutes later. Fire Chief Dave Winnacker attributed the quick response to a speedy turnout time, and also to a bit of luck, as the Corliss home is surrounded by fire stations 41, 42 and 44. "And there was a fire hydrant right in front of the house," the chief said.

Photo courtesy MOFD

Improved turnout time, the period between the call dispatch and the crew's departure from the fire station, has been an emphasis for Winnacker. He identified areas where the district was able to improve the times, such as the replacement of defective hardware and through firefighter education.

When the chief pulled daily reports of turnout times, he noticed one station in particular lagged in reported times. The captains and the battalion chief reported nothing out of the ordinary in firefighter behavior during turnout, so when the chief officers dug deeper, they found that the station was using defective communication equipment. As the fire engine was already a couple of blocks down the road, the equipment was only then reporting that the engine had left the station. The equipment was replaced, and reported turnout times improved.

Code 3 calls, the most serious of emergency calls, include lights and sirens, while Code 2 calls are nonemergencies, with no lights and sirens. Winnacker found that the firefighters treated turnout for the Code 2 calls exactly that way: that they weren't emergencies, so no need for the crews to hustle into their turnout gear. Firefighters changed that mindset.

Other tweaks to the system included reorganized turnout at Station 41, which houses five firefighters but contains only one bathroom. (The station is scheduled for an overhaul in 2019.) Five people battling over one bathroom can be hectic when the bell goes off, so the companies arranged for the two medics to use the bathroom first so they could run the ambulance out of the station. That tiny adjustment saves precious seconds of ambulance turnout time.

District records show that March and April median turnout times dropped an average of 17 seconds from those of December, January and February to 1 minute, 16 seconds.

"The crews have been committed," Winnacker said. "Their work is what is responsible for the drop in turnout time."

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**East Bay Times**

# How overwhelmed fire inspectors fail to protect us

By Thomas Peele

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96% of schools went more than a year without an inspection at least once from 2010 to 2017

93% of apartments and hotels also lapsed more than a year between inspections during the same period

OVERWHELMED and often disorganized, fire departments across the Bay Area routinely fail to perform state-required safety inspections of buildings where hundreds of thousands of Californians live and go to school. And despite the potential for tragedy, there are no consequences — and nobody paying attention — to make sure fire inspectors are getting the job done.

An investigation by the Bay Area News Group found many of the region's major fire departments are months — and often years — late on performing annual inspections at schools and apartment buildings. In many cases their record-keeping is so flawed, scores of residential buildings go unchecked altogether because fire marshals don't know they exist.

Such oversights can have horrifying results, such as what has happened over the last two years in Oakland, a city with a troubling inspection record where 40 people died in fires in a pair of buildings plagued with faulty wiring and other hazards. But this news organization's investigation found serious problems far beyond Oakland.

An analysis of inspection records over eight years from 11 of the Bay Area's largest fire agencies found nearly one-quarter of the 17,000 apartment buildings in the review weren't inspected in 2017, and, astonishingly, more than 400 hadn't been inspected since 2013.

Visits to a sampling of those apartment complexes revealed dangers that inspections could have corrected: gasoline and paint cans, piles of wood, discarded furniture and other flammable and bulky items collecting under stairwells and clogging escape paths.

“The longer the frequency between inspections the more likely something is going to go wrong,” said Ronny Coleman, a retired state fire marshal who calls annual inspections “absolutely critical.”

State law requires that fire departments inspect apartment buildings, hotels and motels and K-12 schools once every 12 months. But it establishes no method to ensure those inspections are done — agencies do not have to report their progress to Sacramento, and no outside authority audits compliance with the law. This news organization’s review is the most comprehensive look at fire inspections in California ever undertaken.

The problems were not limited to apartments: Fire inspectors failed to set foot in 271 schools — or more than 30 percent of the total in the review — in 2017. Oakland inspected 11 of its schools only once over eight years. And Redwood City inspected four of its schools only once and 13 others only twice between 2012 and 2017, records show, when they should have been inspected at least six times each.

## **Fire inspections at bay area schools**

The Bay Area News Group analyzed how well 11 of the largest fire agencies in the region follow the state mandate to perform yearly fire inspections at K-12 public and private schools.

In 2018 America, there is another reason routine inspections are so critical at schools: The exits fire inspectors make sure are passable for fleeing a fire could be the same ones children need to run from a shooter.

And as recent blazes in San Jose, San Francisco and Concord have shown, preventing apartment fires isn’t just about saving lives. It’s also about saving homes in a region desperately mired in a historic housing shortage, with hundreds of thousands of Bay Area residents struggling to find affordable places to live.

## **One fire chief asks: ‘What mandate?’**

Our analysis exposes what Contra Costa County Fire Marshal Robert Marshall called “a systematic failure” of inspection programs in his and other departments.

“I don’t think we are alone in that,” said Marshall, whose department failed to inspect 43 percent of the schools it is responsible for in 2017. Contra Costa’s records on apartment buildings are so unreliable that we had to drop them from our analysis when it became unclear whether buildings in the data actually exist.

“Do they exist? Do they not exist? We just have to figure that out,” said Marshall, whose department covers most of the county, acknowledging that he didn’t know the problems were “this bad” until the Bay Area News Group raised repeated questions about his inspection data.

Marshall has resorted to combing through county tax assessor records for information on Contra Costa apartments. Inspectors in Redwood City walked the streets last year looking for buildings that the state requires be inspected.

And Hayward's fire chief seemed altogether unaware of the state law on inspections.

"What mandate?" Fire Chief Garrett Contreras said during an interview with the Bay Area News Group, even asking a reporter to point out specifics in the state code.

The specifics can be found in [the state Health and Safety Code](#), which requires that local fire departments annually conduct fire safety inspections of all residential buildings with three or more apartments, hotels, motels, and all K-12 public and private schools in their jurisdiction.

Hayward Fire inspects only apartment buildings with at least 16 units and an on-site building manager, Contreras said. Still, last year Hayward failed to inspect nearly 28 percent of those larger apartment complexes, according to our analysis. The city's code enforcement officers go to smaller buildings, Contreras said, "but don't look at (them) from a fire-prevention standpoint. ... That's not the world we operate in."

A veteran fire investigator found the Hayward chief's response troubling: "What's he thinking? If it's (an apartment building with) 10 people, I'm not worried?" asked John DeHaan, a Bay Area fire expert currently consulting with investigators in last year's deadly Grenfell Tower fire in London. "This is a lot worse than anything I would expect."

On May 18, about two weeks after the Bay Area News Group interviewed the Hayward chief, the city announced it was beginning a review of its fire inspection practices.

## **'Doesn't make any sense'**

Most fire agencies in the Bay Area take a similar approach to inspections: They employ small fire-prevention units of specially trained inspectors who work separately from firefighters, following the detailed requirements of city and state fire codes. The reasons the agencies offered for their failures were also similar: They blamed antiquated data management systems, small staffs and difficulty keeping up with problem properties that require repeat visits.

No fire agency confronted a tougher set of circumstances than Oakland, where poverty, urban crowding and an aging housing stock deepen the challenges of preventing fires. And none logged a deadlier record of futility.

The city found its practices in the spotlight when a four-alarm blaze in a three-story apartment building on San Pablo Avenue killed four residents on March 27, 2017, the culmination of years of missed inspections and failures to follow up on safety concerns. [Inspectors and firefighters had flagged the building](#) as a hazard three months before the deadly inferno, but no improvements had been made.

Months earlier, 36 people died in Oakland's deadliest fire ever during an electronic music party at a warehouse illegally converted into a living space for artists known as the Ghost Ship. The warehouse wasn't in the fire department's inspection logs — and had not been inspected — despite multiple complaints over the years and visits from Oakland firefighters and police who [expressed alarm](#) about the fire danger.

City leaders in Oakland promised to step up fire inspections after the two tragedies. Instead, our analysis found the number of fire inspections in the year after the Ghost Ship actually dropped by 15 percent. Fire Chief Darin White was able to look at more data and said in a statement the drop off was even higher — 25 percent.



“It doesn’t make any sense, that’s very clear,” said Kacey Smith, whose mother, Cassandra Robertson, 50, was killed when fire spread through the San Pablo Avenue halfway house where about 100 people lived.

“If your job is to check buildings and do inspections, why are buildings going uninspected and not being checked?” said Smith, 24, who is a plaintiff in a wrongful death suit against the city. “If you don’t do your job, there is always going to be a price to pay for something you do wrong. But it seems like they do something wrong and it’s ‘Whoops. Oopsies’.”

## The findings

72% of apartments in Oakland were not inspected last year

78% of schools in Redwood City were not inspected last year

We spent months gathering thousands of records and building a database to look at the frequency of fire inspections. The analysis of inspection records is a large sampling from 2010-17 covering more than 800 schools and 17,000 residential buildings, including apartments, motels and hotels.

Properties for which not enough information was listed — in some cases, for example, it was impossible from the records to confirm a structure is an apartment building — were excluded from the analysis. But fire marshals interviewed for this project acknowledged the flaws suggest a large number of buildings are being overlooked by inspectors.

On apartment inspections, Oakland’s fire department had the worst record, missing 72 percent of apartment buildings last year. And over the eight years analyzed, 32 percent of Oakland’s inspections were more than six months delinquent — or more than 18 months since the previous inspection — what we categorized as “exceedingly late.” Fremont had the second-worst record for apartments, missing 48 percent of apartment buildings last year and falling “exceedingly” behind on 27 percent of its inspections.

On schools, the data shows, Redwood City missed 78 percent of its schools last year and has been exceedingly late on 40 percent of its inspections overall; Oakland failed to inspect 77 percent of its schools last year, and has been exceedingly late 26 percent of the time. By comparison, Sunnyvale last year inspected all 26 of its schools in the analysis — the only department to manage that.

The investigation also found:

- **Fire inspectors blowing the state’s inspection mandate isn’t the exception — it’s the rule:** Nearly all of the schools — 96 percent — went more than a year without an inspection at least once during the eight-year period analyzed. Ninety-three percent of the apartment buildings and hotels also lapsed more than a year between inspections at least once.
- **Gaps between inspections are sometimes alarming:** More than 2,000 apartment buildings went at least three years between inspections and sometimes longer. Half of all apartment buildings and 72 percent of schools had at least one gap of 18 months or more. And one in 10 schools in the survey were overdue for an inspection for more than half of the eight-year period covered by the analysis.

- **Violations can mount when inspections are missed:** In Oakland, inspectors visited only 23 percent of the city's schools last year, according to the data. And 72 percent of the schools they did inspect failed for reasons like broken or uncertified fire alarms, blocked exits and missing evacuation maps.
- **Using firefighters to help perform inspections improves performance:** Most departments saw little to no growth in their ranks of fire inspectors in the past eight years, but the ones that tasked firefighters to perform inspections in between other duties maintained higher completion rates for apartment inspections last year, among them San Francisco (93 percent) and San Jose (84 percent). In contrast, Hayward and Fremont each relied solely on three full-time inspectors; Hayward inspected only 73 percent of its apartment buildings last year and Fremont only 47 percent.

## **The risks: What are fire inspectors missing?**

A horrific Chicago school fire in 1958 that killed 92 children and three nuns led to rapid changes in fire codes and inspections in schools across the country, including California. The state added mandatory inspections every 12 months for apartments and other residential buildings with more than three units in the mid 1980s as fire codes were improved again.

Many of the hazards that fire inspectors look for may not be apparent to the untrained eye: Are exits clear, stairwells safe, alarms and extinguishers serviced and functioning? Do doors designed to close automatically shut properly? Can people get out and, equally important, can firefighters get in?

Fire inspectors enter classrooms at schools but not individual units at apartments and hotels, where they are only required to inspect hallways, common areas, stairwells and the exterior of buildings.

But at some of the apartment buildings overdue for inspections, the fire dangers seemed obvious.

On a recent afternoon, an ashtray overflowing with cigarette butts sat next to a propane tank on the front steps at a six-unit converted house on 24th Street in East Oakland — last inspected in 2012, according to the city's data. A tenant who asked not to be identified said the building has no fire extinguishers.

Clarence Sparks worries that he'd "have to jump out" of his third-floor apartment on the 9900 block of MacArthur Boulevard if flames consumed it. He's probably right: Sheets of plywood, trash and paint cans were piled beneath the stairway he'd need to escape.

Records show the building was last inspected in May 2016 — almost half a year before the Ghost Ship tragedy.

Resident Erik Lyngen said he's "disgusted" by the Oakland Fire Department's performance.

The Jean Street apartment building where he lives with his family hadn't been checked for at least six years, records show, when an inspector arrived in late 2016.

Even then, Lyngen contends, the inspector overlooked a jammed escape mechanism that is supposed to unlatch metal bars covering his daughters' ground-floor bedroom window. "A deathtrap," he called it.

Also, the lock on one of the doors leading from the apartment was installed backwards, so he needed a key to get out rather than in — an obvious concern during a fire.

Lyngen said he insisted the inspector come back. "It was like pulling teeth." Eventually, the landlord was ordered to change the lock and the window bars were repaired.

But the experience left him beyond frustrated. "No one wants to take the lead and take responsibility," he said.

"I've got two daughters, my wife, myself. It isn't the Ghost Ship, but it is four more people."

## **Oakland chief not 'surprised'**

When confronted late last year with questions about some of the city's most delinquent inspections, Oakland's fire chief White offered a blunt response: "I won't say I'm surprised."

In a follow-up email in March, the chief blamed "chronic staffing shortages" and inspection data that is "in poor condition and contains inconsistent, deficient and inaccurate information."

White didn't respond to an invitation to send an inspector along with a reporter to what appeared to be some of the city's most alarming conditions at apartments long overdue for inspections.

He acknowledged the city's plan to hire more inspectors and clear up a backlog of inspections has taken longer than anticipated. The year after the Ghost Ship fire, the city's records showed it performed 446 fewer apartment building inspections than the year before.

The chief said the department has hired six inspectors since the Ghost Ship disaster and is moving to hire six more to bring the total to 20 inspectors by the end of 2018. It also is searching for a new leader for its Fire Prevention Bureau after embattled Fire Marshal Miguel Trujillo resigned at the end of March to take the same post in Gilroy. City officials promised more than a year ago to unveil a new database program to track inspections, but it will not be ready until sometime after June, White said.

"I'm here to look forward," the chief said, "look ahead on how we can make things better moving forward, recognizing full well what we haven't been able to do in the past."

## **Oakland's troubled fire inspection record**

Oakland had by far the worst record for performing state-mandated annual fire inspections of apartment buildings in the Bay Area News Group's survey of 11 local fire agencies. The fire department failed to inspect an astonishing 72 percent of the apartment buildings in its data last year — despite promises to step up its performance after the deadly Ghost Ship warehouse fire.

## Housing crunch heightens urgency

The Bay Area News Group's investigation revealed similar problems around the region. From Concord to Hayward to San Jose to Redwood City, fire hazards are easily visible outside apartment buildings overdue for inspections: piles of trash and portable propane tanks stored under exterior stairs; missing and outdated fire extinguishers; decks that serve as fire escapes and stairs clogged with bicycles, furniture and trash.

The consequences can be deadly. In 2016, the last year for which data is available, an average of nine people a day died in fires across the United States and a building fire was reported every 66 seconds. But that's down from 11 deaths per day in 2006, part of a decade-long national decline in fatalities attributed to increased safety precautions, such as fire sprinklers.

Routine inspections are a key part of that prevention, said Coleman, the retired state fire marshal, who has a quick answer whenever people ask why the inspections are important: "I prevented every fire that didn't happen."

In the Bay Area's scalding housing market, there's another reason why fire inspections are critical: to make sure fires that do start can be contained and stopped from spreading to save as many dwelling units as possible.

"In my mind that's gained more and more priority," said Berkeley Fire Chief Dave Brannigan, whose inspectors missed two-thirds of the city's K-12 schools and three out of 10 apartment complexes last year. As home to UC Berkeley, the city is responsible for inspecting fraternities, sororities and off-campus housing.

Instead of offering excuses, Brannigan asked the city's auditor to review his department's inspection process. That review began in early May.

When an apartment building fire displaces "families," Brannigan said, "most of those people have no idea where they are going to go and how they are going to get there."

Recent Bay Area fires have displaced more than 400 people, including 250 in Concord when a massive conflagration consumed an apartment building under construction and damaged nearby apartments.

In San Jose, an early morning five-alarm fire in April tore through a building at the Summerwind apartments, a large complex, displacing about 120 people from 36 units. Nobody was killed, but firefighters were forced to rescue 20 people who were trapped on balconies, as flames blocked other ways out.

The complex had passed inspections the past five years, including one in November, records show. But San Jose Fire Marshal Ivan Lee revealed in late May that his department had failed to follow up on a 2011 inspection that flagged a broken fire alarm at the complex that still hadn't been fixed and wasn't working the morning of the fire. San Jose Mayor Sam Liccardo [called the lapse an "unacceptable failure"](#) and he and two council members promised to push for reforms.

"We were very lucky," said Jade Oguero, who was cooking breakfast for her family in an apartment down a hallway from where the fire started. "We barely got out."

## **Failing schools in Redwood City**

While the analysis showed Oakland with the worst overall record of inspecting apartment buildings, Redwood City was the poorest performer in regularly inspecting schools.

Parent Kelaela Bass said she was shocked to learn of the lapses. Redwood City firefighters had inspected her children's school, Henry Ford Elementary, only twice between 2012 and the end of 2017, according to the fire department's inspection records. The school received six safety violations when last inspected in 2015, records show.

Three Redwood City schools received more than 20 fire code violations each when inspected in 2015. One, Roy Cloud Elementary, received 27 violations after not being inspected in two and a half years. They included blocked air vents, non-working exit lights, supplies piled too close to the ceiling, missing evacuation maps and other safety violations, records show.

A spokesman for the city school district insisted the schools are safe, noting that Redwood City (like most school districts) uses contractors to maintain fire alarms, extinguishers and other equipment. But while the spokesman first said that the contracted work is a substitute for the state-mandated inspection, by law it isn't. In fact, fire inspectors are supposed to verify that work is done properly and check for other potential problems, like whether exits are blocked or classroom walls are covered by too many posters or student projects.

It's "very, very scary," Bass said outside the school as she waited to pick up her son and daughter. "With everything that happened in Oakland, they should be on top of things."

Redwood City Fire Chief Stan Maupin acknowledged in an email his department is struggling to do that. The department's record keeping was such a problem that last year Maupin sent inspectors "walking our districts to ensure that the physical addresses (of buildings) matched our records," the chief wrote.

Maupin blamed the gaps on low staffing levels and a database that "did not perform to our expectations." He wouldn't elaborate.

After persistent questions from this news organization, Redwood City City Manager Melissa Stevenson Diaz said the fire department is now working to complete a round of school inspections by the end of June.

## **Perfect score on schools in Sunnyvale**

With no outside monitoring, residents have no way of knowing whether their fire departments are falling miserably behind on the state's yearly inspection mandate. Until we notified them, some Bay Area fire chiefs and fire marshals were even unaware of their own performance.

But Sunnyvale Fire Marshal Lynne Kilpatrick was keenly aware. Her department got to 100 percent of the city's schools in the analysis last year. It also had the lowest percentage — 4.65 percent — of apartments considered "exceedingly late" for inspections in the survey.

# How to check on your apartment building or kids' school

California law requires annual fire safety inspections of [K-12 public and private schools](#) and [apartment buildings](#). Local fire departments are required to inspect them no later than 365 days since the previous inspection, but this often doesn't happen until months, or years, after an inspection is due.

Unlike a common trend in food safety inspections at grocery stores and restaurants, there are no public postings required in schools or apartment buildings showing the details of the last fire safety inspection. But the information is [public record](#) and available from fire departments. The public also can call their local fire marshal's office or fire prevention bureau to ask about previous inspections as well as to report unsafe conditions that should be checked.

Kilpatrick, who ran Seattle's hazardous materials inspection program for 21 years and has a degree in chemical engineering, said she has made the mandatory inspections a priority and closely tracks her department's progress. Despite the clunky software hers and many other fire inspection programs are saddled with, the mandate can be met through strong management, she said.

Firefighters working out of six stations do the majority of Sunnyvale's inspections in addition to other duties. Kilpatrick creates monthly reports for her inspectors to make sure they are on track and sets clear expectations.

"We hold them accountable," she said. "State-mandated inspections are a priority for us."

Kilpatrick said the results would improve across California if fire marshals were required to send annual reports to the state showing how they are meeting the state mandate for annual inspections.

Currently, the state fire marshal, California's top fire safety and prevention official, makes no checks to ensure inspections are done on time and offers no guidance for departments to format inspection records. And the office isn't prepared to start, said California Fire Marshal Dennis Mathisen.

Monitoring or auditing inspections would "be a large amount of work," that the state can't take on, Mathisen said during an interview in Sacramento.

"The law is the law," Mathisen said, but he refused to criticize departments that miss deadlines. "It's not my place to say what's OK and what's not OK."

But state Sen. Jerry Hill, D-San Mateo, said this news organization's findings show lawmakers need to make changes.

"The legislature has already made (inspections) a priority," said Hill, who has taken the lead in the Legislature on other public safety issues such as demanding reforms after PG&E's San Bruno

pipeline explosion. Gaps between inspections show “a violation of a law the legislature has already established,” Hill said. “The law itself is not adequate. There is no carrot or stick.”

Hill said he wants the Legislature to consider reforms, such as requiring local fire departments to send the state annual reports on their fire inspections to improve accountability.

“Something else needs to be done,” he said.

Advocates for both tenants and apartment building owners agree. Tom Bannon, CEO of the California Apartment Association, said he was “surprised and baffled” by the Bay Area News Group’s findings, and promised his organization would not oppose such accountability efforts because inspections are “already the law.” Toughening requirements to ensure that fire departments perform them and the state reviews the results wouldn’t burden apartment owners, he said.

## **A searing image**

The importance of inspections isn’t lost on Marshall, the Contra Costa County fire marshal.

He has trouble reconciling the shortcomings in his own inspection program with a photo he shows his inspectors to drive home the profound impact of their job.

In the photograph, the stairwell of an apartment building is black with soot, except for the place where a 3-year-old boy was found overcome by searing heat and smoke, the outline of his tiny body clearly visible on the carpet. The boy’s mother had led him and his 9-year-old brother down the stairwell in a futile effort to escape a blaze, but a disabled fire safety door was ajar, allowing flames to sweep in. All three died.

“They perished because of a fire code violation that we knew about and had written up,” said Marshall, who snapped the photo at an apartment fire in 2002 in San Mateo County when he worked there. “We were going back to reinspect it literally the next day.”

As he pulled up to the fire, Marshall remembers the 3-year-old boy was being wheeled to an ambulance as a medic tried to keep him alive with CPR.

“I will never forget that,” he said.

*Students from the University of California Berkeley Graduate School of Journalism contributed to this report.*

## **HOW WE DID THE STORY**

Following the tragic Ghost Ship and San Pablo Avenue fires in Oakland that killed 40 people, the Bay Area News Group began an investigation into the enforcement of state fire safety laws. This news organization acquired fire inspection data from 11 Bay Area fire departments and analyzed it to check compliance with state law requiring annual safety inspections of schools and apartment buildings.

This news organization limited the analysis to major fire departments that were able to provide electronic data for review.

The data covered 2010-2017 with a few exceptions. Apartment inspection data from two departments, the Contra Costa County Fire Protection District and the Santa Clara County Fire Department, could not be used because it lacked key information needed to identify apartment buildings, such as a building name or accurate address.

Also, Contra Costa's school data was analyzed starting with 2011 inspections and Redwood City's school and apartment data was analyzed starting with 2012 inspections, the year the city began keeping electronic records.

Since the state does not specify how inspections should be recorded, the investigation had to refine and standardize each department's data set, often cleaning up variations of names and addresses for a single school or apartment building to check the frequency of inspections.

We gave the benefit of the doubt to inspectors, counting any recorded visit to an apartment building, including follow-ups, as an inspection on the advice of experts who said any time an inspector goes to a property is an opportunity to enhance safety. We applied the same principle to schools.

Overall, we looked at records of 874 schools covering 14,606 individual inspections. For apartments and hotels/motels, we looked at 119,658 inspection records covering 17,008 buildings.

Not all schools and apartment buildings in a given city are in the data. Some could not be fully identified in the records fire departments provided. When there was any doubt that an address, name or building type was correct, we omitted it from the analysis. We also removed buildings that appeared to be condominiums, which are private homes and not subject to inspections.

## About the authors

**Thomas Peele** is a Pulitzer Prize winning investigative reporter on the Bay Area News Group's regional team. He has worked at newspapers, including Newsday, for 34 years in California and elsewhere. Peele focuses on government accountability, public records and data, often speaking about transparency laws publicly. In addition to a 2017 Pulitzer, his more than 60 journalism awards include Investigative Reporters and Editors' Tom Renner Award for organized-crime reporting and the McGill Medal for Journalistic Courage. Peele's also the author of the book "Killing the Messenger," on the murder of Oakland journalist Chauncey Bailey. He also lectures at the UC Berkeley Graduate School of Journalism. Follow him on Twitter at [@thomas\\_peekle](https://twitter.com/thomas_peekle).

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## The Sacramento Bee

# 360,000 Californians have unsafe drinking water. Are you one of them?

By Dale Kasler, Phillip Reese and Ryan Sabalow

June 01, 2018 03:55 AM

Updated 23 minutes ago

At the Shiloh elementary school near Modesto, drinking fountains sit abandoned, covered in clear plastic.

At [Mom and Pop's Diner](#), a fixture in the Merced County town of Dos Palos, regulars ask for bottled water because they know better than to consume what comes out of the tap.

And in rural Alpaugh, a few miles west of Highway 99 in Tulare County, residents such as Sandra Meraz have spent more than four decades worrying about what flows from their faucets.

"You drink the water at your own risk," said Meraz, 77. "And that shouldn't be. We have families here with young children."

An estimated 360,000 Californians are served by water systems with unsafe drinking water, according to a McClatchy analysis of data compiled by the State Water Resources Control Board. In many communities, people drink, shower, cook and wash dishes with water containing excessive amounts of pollutants, including arsenic, nitrates and uranium.

The state's water problem, however, is far more pervasive than that number indicates. At least 6 million Californians are served by water providers that have been in violation of state standards at some point since 2012, according to McClatchy's analysis. In some areas, contaminated water is such a common occurrence, residents have almost come to expect it.

"It's ubiquitous," said Darrin Polhemus, the state water board's deputy director for drinking water. "It's pretty extensive across broad swaths."

Now, after years of half solutions, the state is considering its most comprehensive actions to date. Gov. Jerry Brown has asked the Legislature to enact a [statewide tax on drinking water](#) to fix wells and treatment systems in distressed communities. Residents and businesses would pay a tax on their monthly water bills, while agriculture would contribute through taxes on fertilizer purchases and fees paid by dairy farmers and feedlot operators.

For the average Californian, the tax would mean paying an additional \$11.40 per year.

A two-thirds majority is required for passage of the tax, and a powerful consortium of urban water agencies is trying to defeat the bill, arguing they should not have to pay for what is largely a rural problem. The bill is due to be voted on this summer.

Whether or not the Legislature acts, voters might step in. Proposition 68, a parks-and-water bond on Tuesday's primary ballot, would earmark \$250 million to combat polluted drinking water. A second proposition, which has qualified for the November ballot, would set aside \$500 million to address the problem.

For those who lobby the Legislature on water issues, [the influx of dollars would be long overdue](#). Contaminated water has been acknowledged as a significant problem for decades. In 1995, the U.S. Environmental Protection Agency said California needed \$34 billion to clean up its drinking supplies.

Isabel Solorio has had water issues since she and her husband moved to Lanare, a small farming community south of Fresno, 20 years ago. The water smelled like rotten eggs and had a yellowish color, she said.

In her role as president of the local advocacy group Community United, she travels to Sacramento to lobby on issues such as the drinking water tax.

"The legislators of this state should have acted several years ago," she said. "It's not fair that we support the state economically, but we don't have clean water."

## **A greater awareness**

Why all the attention to water now?

Six years ago, the Legislature passed the Human Right to Water Act, which recognizes that everyone "has the right to safe, clean, affordable and accessible water adequate for human consumption, cooking and sanitary purposes."

The law is only one page long and doesn't appropriate any money or levy any taxes to fund its declaration. But along with California's epic five-year drought and the drinking-water scandal in Flint, Mich., the bill has generated considerable momentum for addressing the dilemma.

"There's more general awareness about drinking water being an issue," said Laurel Firestone, co-executive director of the advocacy group Community Water Center.

California has 3,015 independent water systems. As of May, [269 of these suppliers](#) were out of compliance with state drinking water standards.

Of those 269 water systems, 141 are found in five counties of the San Joaquin Valley: Stanislaus, Madera, Fresno, Tulare and Kern. However, 38 of California's 58 counties have at least one water supplier in violation of state water standards.

In the Valley, 185,000 residents are served by water systems deemed out of compliance by the state water board. The region has some of the highest rates of nitrate contamination in the United States, a problem linked to the widespread application of fertilizer and the runoff from livestock in the nation's most productive farm belt.

High levels of nitrates can reduce oxygen levels in newborns' blood, suffocating them through a disorder called "blue baby syndrome." [Studies also have linked nitrates](#) to birth defects and

various forms of cancer. Little research has been done, however, to determine whether more people are getting sick because of contaminated water in the Valley.

The Valley's troubles worsened during the drought, when desperate farmers pumped groundwater for irrigation. That lowered water tables throughout the region, bringing nitrates into contact with the intakes of communities' wells. Polhemus said pumping worsened the prevalence of naturally occurring arsenic, one of the biggest water contaminants in the state. Long-term exposure to high levels of the metal has been linked to lung, skin and bladder cancer, along with other illnesses.

In Dos Palos, where the water contains potentially harmful chemicals known as trihalomethanes, Joaquin Garcia has 5-gallon jugs of clean water delivered to his home. Trihalomethanes are found in water systems with inadequate or faulty purification. Long-term exposure to them has been linked to liver and kidney problems and an increased cancer risk.

On the outskirts of town, Victor Navarro's family installed a \$6,000 filtration system to clean the well water. "To be honest, I don't even know if it does anything," said Navarro, 25, who works as a truck driver.

Some Dos Palos residents say they avoid drinking tap water and choose to buy bottled water in Dos Palos, Calif., on Wednesday, May 23, 2018. According to state records, a Dos Palos city well has failed tests at least 22 times since 2013.

Researchers at UC Davis who have studied the problem say unsafe drinking water goes hand-in-hand with another Valley issue: poverty. Farmworkers and other rural residents generally live in isolated, unincorporated communities served by water districts that lack the resources and expertise to address contamination.

UC Davis professor Jonathan London, lead author of a study published in February, said the prevalence of underfunded water providers is partly a legacy of the Valley's historical development, which segregated Latino workers in farm-labor camps or isolated communities, usually cut off from city services.

"There are so many of these disadvantaged unincorporated communities, and the water districts have sort of followed," London said.

The result is tens of thousands of Valley residents, many of them poor, with substandard water coming out of their taps. The UC Davis study also said Valley residents often "pay a triple penalty" to obtain safe water: Not only do they face health risks, their water bills tend to be higher, and they have to buy expensive bottled water on top of that.

Water problems, however, aren't limited to the San Joaquin Valley. In San Miguel, not far from Paso Robles' tony wine country in San Luis Obispo County, students and teachers at Pleasant Valley Elementary School have gone without clean water on campus for more than five years because of excessive arsenic.

Children carry around personal water bottles supplied by the school. Water coolers sit next to the unused drinking fountains.

"We haven't gotten too many complaints," said school principal Wendy Nielsen. The school plans on installing a new well and treatment system, funded with state grants, by the end of summer.

State officials estimate 30 schools and day care centers, serving more 12,000 children, have unsafe water.

### **Tiny systems, big issues**

For years, the water piped into Shannon Hoff's mobile home in Isleton, a tiny Delta town around 40 miles south of Sacramento, [exceeded state standards for arsenic](#). The family uses bottled water to drink, cook and brush their teeth. But they have no choice when it comes to bathing.

"What's going to happen to these guys further down the road?" Hoff said, while her 10-month-old son, Hunter, played on the floor beside his 19-year-old sister, Taylor, on a recent afternoon.

The park's owners have spent more than \$500,000 on a new treatment system. After months of regulatory delays, it went online a few weeks ago. The cost of the upgrades will be passed along to the 250 people who live in the park, said Brock Kaveny, the president of Cascade Community Management, the property management firm that runs the park.

Last week, the system malfunctioned, sending gushes of dark brown water into toilets, sinks and showers. Kaveny said the problem was temporary.

"That's not indicative of the water served there," Kaveny said. But residents such as Hoff who have received stacks of notices over the years warning about contamination aren't giving up their bottled water any time soon.

Approximately 2,100 of the state's water systems serve fewer than 500 residents; many of the utilities serve fewer than 75 customers in a single trailer park, school or a subdivision. Often, they are privately run.

Small agencies account for 80 percent of the citations the state water board issues every year. Many are operated by a single employee or volunteers, yet they are required to perform the same duties as a well-funded municipal water district with dozens of staff members serving tens of thousands of people.

"They have almost no capacity," said Polhemus, the state water board official.

While the proliferation of underfunded districts is a widely acknowledged problem, state officials say they have only begun to chip away at it. SB 88, passed in 2015, gives the state water board the authority to force small distressed systems to merge with well-financed municipal water agencies, many of which have boundaries just a few hundred feet away.

Water in the historic Delta town of Locke is tainted with arsenic. The solution? Getting water from nearby Walnut Grove.

But only a handful of mergers have taken place since the bill passed. Municipal agencies have balked at taking on the expense of upgrading a troubled water system with rusty equipment, inadequate treatment systems and a history of violations, Polhemus said.

Statewide, the water board spent \$243 million in the past year helping local water districts with capital improvements under a joint state-federal program. Since 2014, it also has disbursed \$43 million in Proposition 1 water-bond funds for community water tanks, filtration systems and other upgrades. The state has spent \$14 million shipping bottled water to distressed water providers since 2014.

The Brown administration says far more money is needed to correct the problem.

### **'We are paying'**

Enter the proposed drinking-water tax.

The bill would raise an estimated \$140 million a year, with most of the money going to help disadvantaged communities fix their contamination problems. Residential water bills across the state would increase by 95 cents per month. Low-income earners would be exempted from the tax. Businesses would pay \$4 to \$10 a month.

In addition to the \$110 million those taxes would generate, agriculture would kick in another \$30 million a year through a tax on fertilizer as well as dairy production and livestock feedlots, said [Sen. Bill Monning](#), D-Monterey, who introduced a similar proposal last year. In return, farmers would receive some regulatory relief: As long as they follow "best practices" on limiting nitrate discharges, they would be freed from disciplinary action by the state water board, Monning said.

The bill's supporters include a strange-bedfellow alliance of farmers and environmental-justice advocates, but Monning said it will take "a big lift" to get the two-thirds majority the tax needs for passage in the Legislature. Two Republican senators co-authored the bill, but no Assembly Republicans have voiced support for it, said Assembly Republican leader [Brian Dahle](#), R-Bieber.

The [Association of California Water Agencies](#), which represents the big urban suppliers, [is trying to kill the bill](#). Tim Quinn, the association's executive director, said a problem caused to a considerable degree by farming shouldn't be solved "by putting a charge on somebody's bill in Los Angeles or San Diego or San Francisco." He said other funding sources should be explored instead.

The Brown administration, however, said the problem of unsafe water isn't just agriculture's fault, so farmers shouldn't have to pay more than their fair share.

"We are paying, and we are volunteering to be part of the solution," said Anja Raudabaugh of [Western United Dairymen](#), an association representing more than 1,000 of the state's dairy producers that supports the proposed tax.

In many communities solutions have been elusive.

In Lanare, the community service district received a \$1 million federal grant in 2006 to treat arsenic contamination. After six months, the plant had to be shut down because there weren't

enough funds to operate it. The district later was put into receivership and a new board was elected. Now two new wells are scheduled to come online this fall.

They won't come soon enough for residents like Solorio, the local clean-water advocate.

"The water gives us life," she said. "But if the water is sick, it can also kill us."

*Nashelly Chavez from The Sacramento Bee, Matt Fountain from the San Luis Obispo Tribune, Thaddeus Miller from the Merced Sun-Star, Robert Rodriguez from The Fresno Bee and Kevin Valine from The Modesto Bee contributed to this article.*

*Five McClatchy news organizations in California worked with Tim Swanson, regional editor for enterprise and investigation, on this project. If you have feedback or story suggestions, contact him at [tswanson@sacbee.com](mailto:tswanson@sacbee.com). Thank you for supporting local journalism in the state and in your local community.*

# **Drought or no drought: Jerry Brown sets permanent water conservation rules for Californians**

By [Paul Rogers](#) | [progers@bayareanewsgroup.com](mailto:progers@bayareanewsgroup.com) |

PUBLISHED: May 31, 2018 at 3:30 pm | UPDATED: **June 1, 2018** at 6:00 am

Although he declared an end to California's historic five-year drought last year, Gov. Jerry Brown on Thursday signed two new laws that will require cities and water districts across the state to set permanent water conservation rules, even in non-drought years.

"In preparation for the next drought and our changing environment, we must use our precious resources wisely," Brown said in a statement. "We have efficiency goals for energy and cars – and now we have them for water."

Brown signed two bills, [SB 606](#) by Sen. Robert Hertzberg (D-Van Nuys) and [AB 1668](#) by Assemblywoman Laura Friedman (D-Glendale), that require cities, water districts and large agricultural water districts to set strict annual water budgets, potentially facing fines of \$1,000 per day if they don't meet them, and \$10,000 a day during drought emergencies.

Under the bills, each urban water provider will be required to come up with a target for water use by 2022. Fines for agencies failing to meet their goals can begin in 2027.

The targets must be approved by the State Water Resources Control Board between now and then, and will vary by city and county.

Standards will be based on a formula that is made up of three main factors: an allowance of 55 gallons per person per day for indoor water use — dropping to 50 gallons by 2030; a yet-to-be determined amount for residential outdoor use that will vary depending on regional climates; and a standard for water loss due to leak rates in water system pipes.

The new laws make it likely that water agencies will need to offer more rebates for home owners and business owners who replace lawns with drought-tolerant plants and who purchase water efficient appliances. The agencies could also limit the hours and days of lawn watering, even when droughts are not occurring.

The laws are a response to complaints from some water agencies that the mandatory water targets the Brown administration put in place during the drought were too inflexible and didn't take into account local water supplies, population growth and other factors. Those limits ranged from an 8 percent reduction in water use to a 36 percent reduction, based on each community's per-capita water use.

The months-long debate over the new laws split the water community, environmental groups and business groups.

Organizations who supported the new laws say it makes sense to reduce demand as the state's population grows, and allow each local area the flexibility for devising their own plan while California continues to develop new supplies, from recycled water to storm water capture to new reservoirs.

Supporters included business groups such as the Bay Area Council and the Silicon Valley Leadership Group, along with water agencies like the Contra Costa Water District, East Bay Municipal Utility District, the Santa Clara Valley Water District, and the Metropolitan Water District of Southern California. Environmentalists supporting the laws included the Audubon Society, the Nature Conservancy and the Natural Resources Defense Council.

"They are definitely a step in the right direction," said Tracy Quinn, water conservation director for the Natural Resources Defense Council, of the new laws. "The framework strikes the right balance between local control and necessary state oversight."

Quinn said that most cities and water districts in California already are close to, or under, a standard of 55 gallons per person per day for indoor use.

Last year, urban Californians used an average of 90 gallons of water per person per day for indoor and outdoor use combined, down from 109 gallons in 2013, according to the state water board. Most communities using more were located in hot places in Southern California and the Sacramento area, while cities with smaller yards and coastal areas with cooler climates used less. In the summer at least half of residential water use in most communities goes to watering lawns and landscaping.

Environmentalists like Sierra Club California said the rules didn't go far enough. Of particular concern was a compromise inserted in the bill that allowed cities and water districts to get 15 percent credit on their water use totals if they produce certain types of recycled water.

"All water should be valued," said Sara Aminzadeh, executive director of the California Coastkeeper Alliance, which opposed the bills. "With energy we wouldn't want to offer incentives for the wasteful use of solar or wind energy. Likewise, we want to make sure all water is used efficiently."

Some of the state's major water agencies also opposed it, many on the general argument that Sacramento shouldn't be telling local government what to do. Among the opponents were the Alameda County Water District, Kern County Water Agency, San Diego County Water Authority, and the Zone 7 Water Agency in Livermore.

"Every local water agency supports conservation and has a responsibility to make sure its water users use water efficiently," said Tim Quinn, executive director of the Association of California Water Agencies, which opposed the bill. "This was never about whether we should be pursuing conservation. It was about how."



**East Bay Times**

# California lawmaker proposes bill to force accountability on fire inspections

By [Thomas Peele](#) | [tpeele@bayareanewsgroup.com](mailto:tpeele@bayareanewsgroup.com) | Bay Area News Group

PUBLISHED: June 4, 2018 at 7:23 pm | UPDATED: **June 5, 2018** at 1:32 pm

Calling California's broken system of fire safety inspections intolerable and a threat to public safety, a state senator on Monday said he will introduce legislation to force local fire departments to notify the public how well they are following the state mandate to inspect schools and apartment buildings each year.

The proposal from Sen. Jerry Hill, D-San Mateo, comes in response to [a Bay Area News Group investigation published this weekend](#) that exposed how the region's biggest fire departments routinely fail to perform the annual inspections in buildings where hundreds of thousands of Californians live and go to school. The report also revealed how, despite the potential for tragedy, there is no oversight — and no consequences — to make sure fire inspectors are doing the job.

Hill's bill would require fire departments to issue annual reports to their local governing bodies, such as city councils and county boards, to ensure they are meeting the state mandates. Hill said the reports would be “the least costly and create the greatest accountability” and envisioned they would be tied to annual budget requests.

Hill plans to introduce the legislation this week in a process known as gut-and-amend, swapping it with another piece of legislation that focused on the [state Public Utilities Commission](#).

“This issue is so important, I don't believe it can wait,” Hill said.

This news organization reported that local fire departments across the Bay Area were overwhelmed and disorganized in completing the inspections. An analysis of eight years of inspection records for more than 17,000 Bay Area apartment buildings and more than 800 schools found local fire departments sometimes miss the annual deadline by years.

The Bay Area News Group launched its investigation to see how widespread problems were after a pair of deadly fires in Oakland exposed that city's troubling record with fire inspections. Last year, Oakland failed to inspect 72 percent of the apartment buildings in its data.

But the investigation found 97 percent of schools in the coverage areas of 11 large fire departments went more than a year between inspections at least once from 2010-2017. Apartment buildings, hotels and motels fared little better, with 93 percent of them going more than a year without an inspection.

Hill's proposal for new legislation came as two Contra Costa County supervisors joined a chorus of local officials calling for action in response to the investigation's findings. Contra Costa County's fire inspection records were so unreliable, the county's fire marshal acknowledged it was unclear whether buildings in its data actually existed.

"The Bay Area News Group investigation raises some serious issues regarding fire safety inspection practices of Bay Area fire agencies, including our own," Supervisor John Gioia wrote in an email, referring to the county fire department. Both Gioia and board President Karen Mitchoff said they have asked for a report on the county's inspections from the department, which the supervisors oversee.

Gioia said he was seeking to "identify any actions needed to improve inspection practices." Mitchoff said she plans to ask for a report at a supervisor's meeting Tuesday morning.

In Hayward, a review of inspection practices is underway after Chief Garrett Contreras questioned a reporter with this news organization about the existence of the state mandate. He said Hayward's fire department doesn't inspect any apartment buildings with fewer than 16 dwelling units — despite the state requirement that apartment buildings with three or more units are inspected each year. Within two weeks of the interview, the city announced it would review its fire inspection practices.

"Fire chiefs and fire marshals absolutely need to be aware of their legal responsibilities," state Fire Marshall Dennis Mathisen wrote in an email Monday. His staff offers frequent training on the state requirements, he said.

But Mathisen, who has refused to criticize departments with poor inspection records, wrote Monday that "fire inspections are an important component of a community's risk reduction plan" and "need to be supported at the local level."

He said Monday he couldn't comment on Hill's proposal until he reads the legislation.

Redwood City and San Jose also are taking action after the Bay Area News Group exposed problems with their inspections. Redwood City is working to complete a round of school inspections by the end of this month after not inspecting 78 percent of its schools last year, city manager Melissa Stevenson Diaz said last month. She did not answer follow-up questions Monday.

In San Jose, two council members said they want a review of inspections after the Bay Area News Group reported last week that a fire alarm in an apartment building that burned in April had been broken for seven years without fire department followup. The building passed at least five annual inspections by firefighters despite the broken alarm, which did not have a city permit or state certification.

# Lawrence Berkeley scientists find a cool way to save water

By [Jeremy Rehm](#) | Monterey Herald

PUBLISHED: June 4, 2018 at 6:00 am | UPDATED: **June 5, 2018** at 5:03 am

Saving water may be as simple as changing the type of roof you have, two scientists in Berkeley discovered.

That might sound far-fetched, but their new findings about “cool” roofs recently published in the journal Nature Communications showed for the first time that it’s possible — and it could save California cities millions of gallons of water each year.

“This is a very intriguing study,” Stet Sanborn, associate principal for the green-engineering Integral Group branch in Oakland, said in an email. “It reinforces the interconnected web between water and energy, and I think the impact (of its findings) is significant and worth attention.”

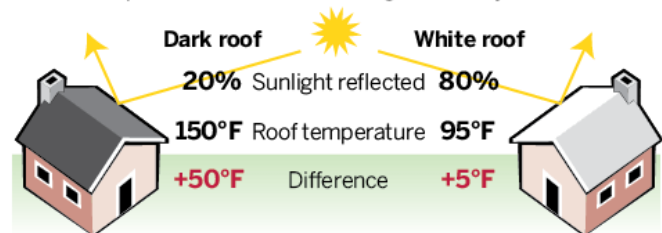
“Cool” roofs are normal roofs built from or coated with a material that reflects heat rather than absorbs it, which often means they’re light in color.

It’s a lot like wearing a light-colored T-shirt versus wearing a dark one on a hot summer day: The lighter color reflects heat, keeping you cooler, whereas a dark T-shirt absorbs heat, making you feel hot, sweaty and uncomfortable.

That simple concept can cut business costs on air conditioning by 30 percent, says Amber Hoiska, who is the marketing director for Cool Roofing Systems, Inc. in San Jose and has been in the industry for 15 years. And those cuts, in turn, help reduce energy production that requires the release of carbon dioxide and detrimentally affects the environment.

## SAVINGS FROM COOLER ROOFS

A dark-colored roof absorbs greater heat than roofs of white or reflective materials. Buildings with the latter would often see 10-15% in energy savings in reduced air conditioning costs. Here are the temperature differences during a 90°F day:



## Estimated savings in irrigation water

In addition to energy savings, cooler roofs could reduce irrigation water usage by lowering the temperatures in the neighborhood.

County	Savings	Savings in millions of gallons per day	Population	Savings in gallons per capita per day
Los Angeles	9.1%	-83	10,120,000	-8.2
Orange	7.9	-30	3,146,000	-9.7
San Bernardino	7.3	-29	2,113,000	-13.8
Stanislaus	7.3	-7	531,997	-12.7
San Francisco	7.3	-2	852,469	-1.8
San Joaquin	7.2	-8	715,597	-11.9
Sacramento	7.1	-20	1,482,000	-13.8
Santa Clara	6.6	-19	1,895,000	-10.2
Alameda	6.6	-13	1,611,000	-8.3
Placer	5.5	-6	371,694	-15.4
Solano	5.5	-5	431,131	-11.9
San Diego	5.3	-37	3,263,000	-11.2
Contra Costa	5.3	-14	1,111,000	-12.6
San Mateo	5.1	-7	758,581	-9.6
Riverside	4.8	-29	2,329,000	-12.4
Napa	4.5	-2	141,667	-13.1
Marin	4.1	-4	260,750	-15.3
Sonoma	4.0	-5	500,292	-10.7

Source: Berkeley Lab, Department of Energy, Pouya Vahmani and Andrew Jones, Lawrence Berkeley National Laboratory BAY AREA NEWS GROUP

Benefits such as these have been known for at least two decades and motivated the current Title 24 standards set by the California Energy Commission for constructed buildings.

But Pouya Vahmani and Andrew Jones, both scientists at Lawrence Berkeley National Laboratory in Berkeley and the authors of the new study, saw potential in this cooling effect on more than just cutting costs. They saw a potential impact on one of California's most pressing issues that nobody else considered: water.

Using a computer model to simulate the next 15 years of dry-season temperatures and weather conditions down to 1-by-1-mile neighborhoods in 18 California counties, the scientists found the average temperature of cities built with "cool" roofs rather than traditional ones dropped by 3 to 4 degrees, which was enough to save cities like San Francisco anywhere from 4.1 to 7.3 percent of the gallons of water used per person per day for landscaping like lawns or home gardens.

Their finding stems from the effect that "cool" roofs have on what scientists call the "heat island effect," a phenomenon in which cities tend to have temperatures 2 to 5 degrees hotter than only a few miles outside the city, the scientists explain. "Cool" roofs help bring that temperature difference back into balance by lowering the overall temperature of the city.

This alteration to the "heat island effect" was not surprising to Hoiska.

"People always think about the heat island effect with pavement," Hoiska said, referring to how the materials and dark colors of pavement heat up the city. "But it's the exact same concept with roofing, and that's because roofing is usually made of asphalt."

To make a roof waterproof, traditional roofs typically have a coat of material made from unreflective granules of dark-colored asphalt. But while waterproof, it means the roof heats up — a lot.

Regular roofs can reach temperatures in excess of 50 degrees hotter than the air only feet above it, according to the U.S. Department of Energy, creating sweltering conditions for the unlucky people inside the building. And if thousands of those roofs are close together in a city, it's little surprise it helps create that "heat island."

But the idea that "cool" roofs can have an impact on water usage, "That's a new one to me," Alex Bergeron, vice president of Teal City Roofing Inc. in San Jose, said as he let out a chuckle.

Turning a roof into a "cool" one requires specially reflective asphalt granules or a coat of white paint, which effectively drops the difference between roof temperature and the air around it to between 5 and 10 degrees rather than the scorching 50 degrees difference before. Installing "cool" structures such as these roofs, then, decreases heat build-up and, in turn, means lawns and gardens need less water because less of it will evaporate.

Bergeron acknowledged that he has seen these cooling effects, but he remained skeptical about its impact on water. "I don't think a single roof with asphalt containing reflective granules will do much," he said.

Which raises an assumption within the study that Peter Gleick, president of the Oakland-based Pacific Institute that focuses on developing water conservation policies, noted in an email. “What (the scientists) are saying is that if ‘cool’ roofs are implemented widely ... then there will be a reduction in temperature in urban areas,” Gleick said.

To him and Hoiska, that seems plausible. “Put 25 buildings that have these roofs together, and yeah, you absolutely would expect to have that sort of impact,” Hoiska said.

Jones and Vahmani were also not surprised by the overall result of decreased water consumption, which they expected from the study’s outset. “What was surprising was the significant amount of water being saved,” Vahmani said. “Our study gives cities another reason to consider widespread implementation of ‘cool’ roofs,” especially after California’s record-breaking drought and the growing threat of warmer climate, both of which have added pressure on engineers to find new ways to conserve water and were the impetus for the study in the first place.

“In the wake of this recent drought in California and the first mandatory urban water consumption reduction that was imposed, we thought that it was important to look at new measures to reduce water consumption in urban areas,” Vahmani said.

But is coating or replacing your normal roof with a “cool” one, which Bergeson says for a residential owner may cost anywhere from \$6,000 to \$15,000, really the best way to save water?

Alone, maybe not. “I’d say one of the technical challenges of actually seeing these water-saving benefits is that you also need smart irrigation behavior,” Jones said.

The greatest benefits come when you combine “cool” roofs and good watering behavior, he explained. “Cool” roofs will decrease the amount of heat regardless of its water benefits, and smart irrigation practices will always save water.

“Cool” roofs may not be the overall remedy to the state’s water problems, but they offer a potential strategy for a field that needs many new and different ideas.