

East Bay cop whose gun was stolen by a prostitute still working

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Agenda Item 11c

By Thomas Peele

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Kensington police Sgt. Keith T. Barrow lost more than his moral compass last year during an encounter with a prostitute in a Reno hotel room.

When he fell asleep and woke up a short time later, according to court records and interviews, the hooker -- and Barrow's badge, handcuffs, .40-caliber service pistol and two clips of ammunition -- were all gone.

The one thing the 47-year-old detective hasn't lost is his job.

Barrow was never even placed on administrative leave when his East Bay police department learned what happened in the "Biggest Little City in the World" and investigated it. Law enforcement experts consulted by this newspaper found that deeply troubling, and some residents of the quaint, affluent hillside town called it outrageous.

But late Friday, nearly nine months after his bad night in Reno, and after this newspaper started asking questions of Barrow and Kensington officials, his attorney said a disciplinary decision has been made. Barrow will be suspended, attorney Justin Buffington told the newspaper, but he would not say for how long or when it would begin.

It's already too late, police experts say. By losing his weapon, they say, Barrow put the public at risk -- and the town of Kensington under huge liability. Reno police got the gun back, but only after the prostitute's pimp shot himself in the leg with it while, as a Nevada judge described it, "trying to be a tough guy."

"It's drilled in your head from Day One," said Tom Nolan, a retired Boston police lieutenant turned academic. "Losing your weapon is the most egregious error a (police officer) can make."

Barrow did not return multiple messages for comment.

Prostitution in Nevada is only legal in licensed brothels. A police report taken the night the gun was stolen states that \$70 was exchanged for sex, said Reno police spokesman Tim Broadway. Barrow was not cited. In interviews with this newspaper, Broadway and the Washoe County, Nevada, district attorney at the time would not explain the decision.

Broadway told the newspaper details of the incident but did not identify Barrow. Court records list Barrow as the crime victim, along with the Kensington Police Department's address.

Despite a scalding feud between a group of residents and the town's elected governing board over the Police Department, word about Barrow's misfortunes seems not to have spread through Kensington, an enclave of about 5,000 residents nestled in the hills north of Berkeley, where half the residents have advanced degrees and the median income is \$133,000.

But police have known for months. Police Chief Greg Harman has repeatedly listed in his monthly public reports a pending internal investigation of unbecoming conduct stemming from an incident involving an off-duty officer on May 23, 2014. That's the date Barrow's gun was stolen. The last reference to the open investigation was Jan. 8.

Kensington Police Protection and Community Services District President Len Walsh said he and Harman would not discuss the matter, citing police personnel laws.

Barrow remains head of the Kensington police union, negotiating for raises with Welsh and others. Barrow was the department's second-highest compensated officer in 2014, public data show, at \$186,000 in cash and benefits.

Barrow should have been immediately suspended and aggressively investigated when Kensington officials first learned about the stolen gun, said Sam Walker, a criminology professor at the University Nebraska, Lincoln.

"This should have cost him his job already. It was dereliction of duty," Walker said. "He showed a complete lack of professionalism in allowing his weapon and other equipment to be stolen."

While what happened in Reno may seem shocking, a group of Town Hall watchdogs say it's only the latest violation of trust from Kensington officials and their police.

A group of residents sued the town two years ago, claiming the board rammed through a new contract for Harman in violation of its own rules. When a state appellate court eventually ruled against the residents, the town filed legal papers to recoup \$158,000 in legal costs from them. First Amendment lawyer Karl Olson, just hired by the residents to fight the fee issue, said the local politics seem like something out of "Vladimir Putin's Russia" with the government punishing his clients for questioning the Police Department's administration.

The Barrow saga only adds to the ongoing tumult, residents said. "It's egregious and shocking but not really surprising," said David Bergen, who has questioned the department's competency in emails to public officials.

Cathie Kosel, a former Kensington board member and El Cerrito mayor, said she wasn't surprised in the least that Barrow didn't face swift discipline. She called the Police Department "a boys' club. They protect each other."

The theft of the gun occurred in a hotel along a seedy stretch of Reno's main drag, Virginia Street, where prostitution is rampant. "There are girls on the street. There are girls in the casinos," said Broadway, the Reno police spokesman.

Buffington said an investigation done by his law firm raised the "possibility" that Barrow had been drugged. He declined to provide specifics.

Within 45 minutes, police arrested Christina Mae Taylor, then 25, who lived in a nearby ramshackle motel, and charged her with grand larceny.

When police found her, Barrow's gun was gone. She later admitted passing it off to a man she called her "dude," Tashanta Grant, 36, described in court records as a methamphetamine user with a felony record, who'd disappeared into the night.

Grant surfaced the next morning at a downtown pawnshop, where he got into an altercation with two people. He was carrying Barrow's gun, its serial number scratched off. But when he tried to draw it, he shot himself in the leg and police arrested him.

Taylor pleaded guilty to reduced charges on Sept. 11. She told Judge Elliot Sattler that Barrow "was a john. He was a cop. He was off duty." She said she "just freaked out and when I found" the gun and gave it "to my dude who actually shot himself. I told the cops where I got it and where the badge and the rest of the stuff was," according to a transcript of her plea hearing

Taylor was placed on probation, but she failed to check in with her officer. As of last week, a warrant was active for her arrest. Grant missed a court date, and a warrant was also active for him.

Back in California, Barrow quickly returned to work on Kensington's tree-lined streets.

"There are often problems with these tiny little departments," said Walker, where "high rates of unprofessionalism," especially in matters of internal investigations and discipline, are common. In situations like Kensington's, he said, "you have to ask if the Police Department is essentially lawless."

Follow Thomas Peele at [Twitter.com/thomas_peele](https://twitter.com/thomas_peele).

Kensington police scandal: Residents call for investigation of Reno incident, possible disbanding of department

By Thomas Peele tpee@bayareanewsgroup.com

Posted: 02/09/2015 04:48:16 PM PST Updated: 15 days ago

KENSINGTON -- Demanding greater oversight, residents of a small, affluent East Bay community reacted sharply Monday to a report that a local police officer had his gun stolen during an encounter with a Reno prostitute last year but wasn't suspended for nearly nine months.

"As a resident of Kensington for over nine years, never have I felt more embarrassed by how we are handling our civic affairs," resident Brian Meckler wrote in an email to this newspaper, calling for the hillside town to contract with another community for police services. "I don't want the liabilities, the old-boy protections and political rats nest required for maintaining our own police force."

One member of Kensington's Police Protection and Community Service District board broke the panel's silence Monday in a statement calling for greater police oversight about how the investigation of Sgt. Keith T. Barrow was handled.

"I've heard from dozens of residents. Many are embarrassed for our community, others are shocked and angered by the board's absence of leadership in this matter," Director Vanessa Cordova wrote, suggesting the district consider looking outside the small department for oversight.

"If enlisting the expertise of an outside agency is what it takes to regain the trust and confidence of our community, then it must be done." She said she was not yet prepared to discuss more specifics, or what agencies she meant.

Board president Len Welsh said Monday that Cordova "should not be commenting. I was not informed of this." He declined further comment.

District officials, citing strict police personnel-record protections, have refused to discuss Barrow. The police sergeant remained at work and wasn't disciplined until this newspaper started asking the board questions last week about revelations that Barrow had fallen asleep and been robbed by a prostitute last May in Reno.

The town board is scheduled to meet Thursday night for both a closed-session review of Police Chief Greg Harman's job performance and a public vote on a new police union contract. Barrow, president of the local union chapter, helped negotiate the proposed deal.

On a local online bulletin board, a resident called for people to "storm the meeting (and) demand accountability."

Barrow's lawyer, Justin Buffington, told this newspaper late Friday that his client would be suspended for an undisclosed period of time as discipline for the Reno incident, and that an investigation of the incident by his law firm suggested Barrow may have been drugged.

A Reno Police spokesman said Monday there is no mention of a possible drugging in a report on the gun theft taken when Barrow showed up at the Nevada department's headquarters on May 23. He was in the company of "fellow officers," the spokesman, Officer Tim Broadway said. They were not identified, and their identity is unclear.

Barrow's gun was recovered the next morning when the prostitute's pimp shot himself in the leg with it during a dispute with two people at a pawn shop.

Policing experts said Barrow should have been placed on paid leave, the stolen-gun incident quickly investigated, and harsh discipline such as firing or demotion meted out.

Harman wrote in a July report to the board that he was investigating an incident involving an off-duty officer for alleged dereliction of duty. The department's monthly reports show that Barrow was heavily involved in its day-to-day activities over the next six months while Harman continued to report the investigation was ongoing.

In an email Sunday to board members, resident Anna Shane demanded "immediate action" to suspend Harman "without pay while his conduct is investigated." Welsh did not respond to an email requesting a response.

Kensington: Police officer scandal draws crowd at town meeting

[By Thomas Peele and Julia Prodis-Sulek Bay Area News Group](#)

Posted: 02/12/2015 07:37:45 PM PST | [1 Comment](#) | Updated: about 12 hours ago

1/5



A Kensington Police car is parked near Kensington Community Center where they held a board meeting in Kensington, Calif., on Thursday, Feb. 12, 2015. Kensington Police Sgt. Keith Barrow lost his gun, badge, bullets and handcuffs to a \$70 hooker in Reno, Nev. in May 2014. Board President Len Welsh ...

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KENSINGTON -- A raucous crowd criticized elected town leaders Thursday night for their handling of a scandal involving an officer whose gun was stolen by a Reno prostitute -- just as, in an uncomfortable bit of timing, those leaders were to consider whether to give that officer and his colleagues a 16 percent raise over four years.

The council late Thursday delayed its vote on the contract, which was negotiated for the police union by the officer at the center of the Reno controversy, Sgt. Keith T. Barrow. That fact, police district Director Rachelle Sherris-Watt said, "may require us to start again" with negotiations because of potential conflicts of interest.



Kensington Police Chief Greg Harman answers a question regarding Sgt. Keith Barrow during a board meeting at Kensington Community Center in Kensington, Calif., on Thursday, Feb. 12, 2015. Sgt. Barrow lost his gun, badge, bullets and handcuffs to a \$70 hooker in Reno, Nev. in May 2014. Board President Len Welsh requested an independent investigation of how police chief Harman handled his probe into Barrow's incident in Reno during a trip with three other officers who have not been identified. (Ray Chavez/Bay Area News Group) (RAY CHAVEZ)

Barrow, 47, was under investigation for nearly eight months by Chief Greg Harman without being placed on administrative leave.

On May 23, a 25-year-old prostitute, Christina Mae Taylor, stole Barrow's gun, badge, two magazines of ammunition and his handcuffs. Reno police quickly arrested Taylor on grand larceny charges, but Barrow's pistol was gone.

The weapon was located the next morning when a man Taylor later called her "dude" got in an altercation with two people at a downtown Reno pawnshop and shot himself in the leg with it.

Harman decided last month that Barrow's discipline should be a suspension.

The chief, who said he is a dues-paying member of the union in order to be covered by the legal services it provides its members, said he aided the board in the contract negotiations as part of his dual job as district general manager but does not fall under the contract. "I don't vote" on union business, he said. "I did not negotiate this contract."

At Thursday's meeting, district President Len Walsh said Harman's handling of the Barrow investigation will be the subject of a special closed-door meeting at 8 p.m. Monday.

No members of the nine-person police union spoke on the matter. Barrow was not present.

"The police officers elect who negotiates" for them, Harman said. The union has already voted to accept the contract terms, he said. He did not say when that occurred.

In a brief interview with this newspaper, Harman addressed the Barrow controversy publicly for the first time.

"I believe I handled it properly. I believe the discipline administered was appropriate under the circumstances, and it is unfortunate that others don't feel that way."

Residents urged the board not to act on the contract, mixing their concerns about Barrow and Harman with worries about the deal's affordability. Others questioned Harman's dual position of both police chief and general manager.

Harman sat quietly as some called for his firing over the Barrow scandal. He admitted that four police officers, not three as officials previously stated, were with Barrow in Reno. He said that no district resources were used on the trip. The other four Kensington officers -- Eric Stegman, Christopher Turner, Juan Ramos and Doug Wilson -- were interviewed as part of the investigation.

"They were up there (in Reno) as a team socially," Harman said. "Two of them had their wives with them. They are allowed to carry weapons in Nevada."

Deep frustrations over the Reno incident were expressed while some residents defended Barrow and Harman, calling them fine police officers who care deeply about the town.

But others gave blunt criticism.

"I am angry," said resident Bill Stanton, 75, saying people had lost trust in the police.

Rory Douglass, a former PTA president, called Barrow a man of "low moral character and zero integrity" and expressed shock that Harman did not immediately suspend Barrow as he investigated the encounter between Barrow and the prostitute.

The comments came before town officials retreated behind closed doors to discuss the scandal involving Barrow that has rocked this hillside community since this newspaper broke the story Sunday.

By 7:30 p.m., more than 250 people had crammed into the meeting, filling all available seats and lining the walls.

One expert on police matters said Thursday that Harman made a serious error by leaving Barrow on duty.

"Whether or not an officer is considered a 'threat' is irrelevant in making the determination as to whether or not to place him or her on administrative leave pending an internal affairs investigation," said Tom Nolan, a retired Boston police lieutenant who now teaches criminal justice at Merrimack University.

"In a matter as serious as an officer losing or having his or her weapon stolen, that officer is ordinarily placed on administrative leave with pay pending a determination" how the weapon was lost and to evaluate the officer's "fitness to continue to serve as a police officer."

As public comments opened about 8 p.m. and dozens of people said they intended to address the board, speakers ripped into Harman and Barrow.

Micki Tal, a criminal defense lawyer and former prosecutor, said Barrow's actions in Reno put his case work as a detective at risk.

"We have to make sure they are clean" of crimes of moral turpitude that could taint a court testimony, Tal said of police officers. "Things here are broken," she said, calling for Barrow to be fired "for the protection of our community."

In an interview Wednesday, Welsh said that because Barrow has been served with Harman's disciplinary decision, no further action could be taken against him.

Kensington cop scandal turns quiet Bay Area enclave into cutthroat community

[By Julia Prodis Sulek and Thomas Peele Staff writers](#)

Posted: 02/14/2015 04:04:55 PM PST Updated: 10 days ago

KENSINGTON -- Before all the nastiness -- the cop, the Reno prostitute, the stolen gun and the alleged cover-up -- this little enclave in the East Bay hills liked to think of itself as a place of "quiet affluence."

Rather than flashy megamansions taking advantage of the spectacular bay views, most of the hillside houses are lovely bungalows and charming Tudors home to many UC Berkeley professors.

And while two of its Nobel laureates have passed away, the town's most celebrated inhabitant, Daniel Ellsberg, who famously released the Pentagon Papers, was just nominated for a Nobel Peace Prize.

If only he could be persuaded to help make peace right here!

Over the past week, Kensington -- an unincorporated district of Contra Costa County -- has exploded after this newspaper revealed police Sgt. Keith Barrow's recklessness last May in Reno -- and the eight months it took the police chief to discipline him. The scandal has spurred calls to fire the chief and recall some the five board members who let the investigation drag on.

"People are embarrassed, first and foremost, and shocked," said Garen Corbett, who lives with his wife and young daughter here and works as a policy analyst in the university's Office of the President. "It's a bucolic area, incredibly pretty. Because people can landscape their properties, you think surely the district is run as well."

But little did they know that half the Kensington police force took an off-duty weekend trip to Reno last May, where Barrow hired a \$70 prostitute, according to interviews with Reno police and court records. He woke up to discover his gun, ammo, badge and handcuffs were all gone. The weapon was recovered the next day when the prostitute's pimp shot himself in the leg during a dispute at a pawnshop.

Barrow wasn't cited -- even though soliciting a prostitute is a misdemeanor in Reno.

After what police Chief Greg Harman called an eight-month investigation, Barrow was informed in January that he would be suspended, but it didn't become public until this newspaper started asking about the incident. He has a right to appeal. The long lag has incensed locals, but the chief says the timeline "wasn't that long. Others thought it should be instantaneous."

Tensions came to a head Thursday night, when more than 250 people arrived early to the cinderblock community center -- a remnant from the 1950s and in need of repair. Some carried seat pads to settle in to the metal chairs for a long night under the glaring fluorescent lights.

The meeting opened with rounds of boos and catcalls as the police chief and the five-member board, elected but unpaid, took their seats at the folding tables up front. Residents lined up at the podium to speak.

"This officer has brought shame to our entire community," Rony Douglass, former president of the local PTA, said to rousing applause.

As one after another angry resident got up to speak, one middle-aged woman sat quietly in the back of the room.

"We're a small town with a lot of really intelligent people, and sometimes that works against us," said the woman, who asked to remain anonymous out of fear she would be vilified for supporting the board. "I think some of these people are too smart for their own good. That's my opinion."

Besides, she whispered, "there can be some pretty vicious people" who might turn on her.

Some of the locals tried to encourage Ellsberg, who lives in a simple yellow ranch house in town, to bring some gravitas to the meeting as one of the country's best-known activists and whistle-blowers.

The 83-year-old former military analyst was busy writing his new book and traveling, his wife, Patricia, said. It wasn't the first time Ellsberg has been asked to act locally. Some years ago, when former board member Cathie Kosel, urged him to run for the district board, he declined.

"He said, 'Cathie, my wife and I are trying to stop a war in Iraq,' " said Kosel, adding, "he was totally oblivious to the war right here in his own town."

Indeed, there have been some dust-ups over the design of the "Welcome to Kensington" sign on Arlington Avenue, and a small group sued the board over a controversial meeting to vote on a pay raise for the chief. But many locals have been blissfully unaware of district politics.

"Up till now, it's been quiet, nicely run, good people. What's not to like?" said Kevin Padian, 63, a Berkeley biology professor. "I've lived here for 25 years and I never paid attention to anything in this town until the last week, when it became clear that the people who took over this town are running it their own way."

The controversy, he said, "is on the brink of destroying" Kensington.

In this well-credentialed community of 5,000, about half the adults hold advanced degrees, and the library boasts the highest circulation per capita in the county.

This is a place where streets are named for elite Eastern colleges -- Amherst, Wellesley, Yale. The elementary school is top-rated and the block-long downtown holds annual Halloween parades.

The classic sign on the Rexall Drug Store remains, but it has been turned into a gourmet wine and cheese shop. The marquee under the welcome sign announced last week a night of "Love

Songs & Chocolate," and the community bulletin board on the corner advertised dog walkers and yoga and guitar classes.

"Everything now going on was inconceivable 20 years ago," said Kosel, who graduated from UC Berkeley in 1968 and lives in the home where she grew up. "When I was young I felt people were not so ambitious. They were more service-oriented, simple, raising families. A lot of professors are living here, but they're not involved in politics -- those involved are the lawyers and business people. If you disagree with someone, there's no tolerance for diversity of thought."

But one of the board members, who came into office in November and said she was kept in the dark about the Barrow investigation, speaks the local language of the advanced degree:

"For some time now, it's been an oligarchy sustained by obfuscation," said Vanessa Cordova, a public policy consultant. "After this debacle, who wouldn't dismiss Kensington as a tony, dystopic enclave?"

Worse than headlines, she said, "this egregious absence of oversight has made us the punch line."

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Kensington: Police chief ousted after stolen-gun scandal

By Thomas Peele tpee@bayareanewsgroup.com

Posted: 02/16/2015 10:27:26 PM PST Updated: 7 days ago

KENSINGTON -- This small town's governing board cut ties with its embattled police chief late Monday night after nine days of public outcry over his handling of an investigation into how a local sergeant's gun and badge were stolen by a prostitute in Reno.

Board members announced after a closed-door meeting that contract negotiations with Chief Greg Harman were ended, effectively terminating him. Harman's last day on the job will be May 31.

Many residents had heavily criticized Harman since this newspaper reported nine days ago that a prostitute had stolen Sgt. Keith Barrow's gun, badge, ammunition and handcuffs from a Reno hotel room as Barrow slept.

But as directors, after nearly an hour of public comments, discussed whether to end negotiations with Harman, a Concord resident, they faced a second closed-door session over new developments involving Barrow unrelated to the theft of his service weapon in Reno last year. The board planned to discuss a federal civil rights lawsuit naming Barrow as a defendant and alleging improper conduct during a drug enforcement task force raid last year.

Public records show that Harman, 59, was paid \$262,000 in cash and benefits to supervise nine officers and also serve as general manager of the unincorporated town's community services and police protection district.

At a meeting last week, residents said they were incensed with how Harman handled the matter. Before the board went into closed session to discuss Harman's contract Monday night, residents of the sleepy unincorporated Contra Costa County community once again stood to denounce Harman's handling of the Barrow case.

"Harman must go. He is the person most directly responsible for running our police department down into the governance swamp," said Leonard Schwartzburd, a resident entangled in a lawsuit with the board over allegations that a vote on Harman's last contract violated open meeting laws. "He is toxic."

Once the closed session began, Harman waited with members of the public, having a long, animated discussion with a friend, often laughing and smiling.

Harman left Barrow on active duty while he investigated the incident for nearly eight months, saying he found Barrow not to be "a threat." He ordered Barrow serve a suspension as punishment for the incident.

Police experts said Barrow should have been put on paid leave during the investigation and that Harman should have fired him for putting himself in a position where it could be stolen. The weapon was recovered the next day when the prostitute's pimp accidentally shot himself in the leg during an altercation at a Reno pawnshop.

Several residents sent board members sharply worded emails Monday calling for an end to Harman's tenure.

"Anyone voting to renew Harman is grievously irresponsible. It will not be tolerated," wrote Sylvia Elsbury, a local mother who has said Barrow should have been suspended as soon as Harman learned about the Reno incidents.

Former Director Ciara Wood said cutting ties with Harman would be "a departure from the Board's culture of collusion and cover-up," and urged it to be done immediately.

After the board finished its closed session on Harman, it was expected to enter a second closed session to discuss the lawsuit. It was not clear when all board members learned of the federal suit, but Director Vanessa Cordova, who was elected in November, said she only learned of it over the weekend when board President Len Welsh called the late-night meeting on short notice.

The suit stems from a 2011 drug arrest in the Marin County city of Mill Valley. The plaintiff, David McDonald, ran a business called The Pleasure Principle, described in court papers as an "oddball emporium" that sold adult films, tobacco products and novelties. He was accused of selling methamphetamine to an undercover agent, but pleaded guilty to a lesser charge after tests showed the material was a legal "powder extender."

The suit alleges that Barrow, as a member of a drug enforcement task force, was one of several officers who acted improperly during the raid of a store in Marin County in September, violating the civil rights of its owner and allegedly "either stole or caused to be stolen \$5,500 in cash, as well as jewelry and other items worth many thousands more," according to a copy of the suit.

Kensington is not a defendant in the suit, but it was unclear what liability it would face as Barrow's employer. The suit names a regional police cooperative, the West Contra Costa Narcotics Enforcement Task Force, known as WestNET, to which Kensington contributes both funding and Barrow's participation, as well as Barrow and several other officers individually.

Although the suit was filed in U.S. District Court in September, and dozens of filings have occurred since then, no lawyer for Barrow is listed in court records. Court records show Barrow was served with a copy of a third complaint of the suit on Jan. 16.

Neither of McDonald's lawyers, Jan Little and Benjamin Rothstein of the San Francisco firm Kecker and Van Ness, could be reached Monday. Deputy Attorney General John Devine, who is representing WestNET, was also not available for comment.

Police chief's ouster, prostitute-stolen gun scandal only beginning of changes in Kensington

By Thomas Peele tpee@bayareanewsgroup.com

Posted: 02/17/2015 03:47:21 PM PST Updated: 6 days ago

KENSINGTON -- The scandal that has rocked this unincorporated town in the East Bay hills and forced the ouster of the police chief will now likely lead to another fundamental change: how Kensington runs its government.

Instead of one official serving as both the town's top cop and town manager, local officials said Tuesday, the community services and police protection district will explore splitting the job into two positions.

"There is a fair amount of sentiment that the positions should be separate," District President Len Welsh said in an interview Tuesday, a day after a contentious meeting during which the board announced it would not be renewing Police Chief Greg Harman's contract. "We need careful analysis. How much would a city manager cost?"

While Harman was known primarily as police chief, he also served as the civilian general manager of Kensington's community services and police protection district. That created what critics said was a lack of oversight that became glaringly clear as the chief took eight months before disciplining an officer whose gun was stolen in May by a Reno prostitute.

Harman was effectively his own boss as chief, reporting only to a part-time, unpaid board. In most California local governments, city managers supervise police chiefs.

Harman did not return messages Tuesday, the day after directors agreed to cut off negotiations with him for a multiyear contract to remain in both jobs, in effect firing him.

Residents revolted this month over Harman's judgment after this newspaper revealed the chief had opted not to put Sgt. Keith Barrow on paid leave during the lengthy investigation into Barrow, who lost his gun, badge and ammunition after falling asleep in a motel room with a prostitute. Harman told district board members about the matter last year, but they've said they stayed distant from it because of the potential that Barrow would appeal any discipline to the board.

Doing both jobs "creates a structural conflict of interest," director Vanessa Cordova said Tuesday. "Even the most talented leader would be poised to fail."

Kensington has had the same person in both jobs for decades to save money, Welsh said, with "80 to 90 percent" of the work as police chief. The general manager's responsibilities have

included negotiating and managing contracts for garbage pickup and overseeing community facilities like parks, a meeting hall and the public safety building.

Harman, who received \$262,000 in salary and benefits in 2014, was also in charge of the district's \$2.9 million budget, composed mostly of police salaries, and he has recently aided directors in negotiating a four-year contract with the police union, analyzing proposals by Barrow, the union's president at the same time the Reno incident was under investigation.

"It appears as though conflicts of interest abound, and there are law enforcement red flags down all over this uneven and warped playing field," said Tom Nolan, a retired Boston Police lieutenant who teaches criminology at Merrimack University and analyzed the Kensington scandal for this newspaper. "This is completely counterproductive and inimical to the effective delivery of police services."

District director Rachelle Sherris-Watt said it seemed obvious that Harman was conflicted when his general manager's job touched on the police department, such as in contract negotiations. "He was proud of his officers and protective of his officers," she said. "We have to take a very close look at separating the two positions."

Welsh said Harman came to the job with no management experience, which hurt him. As directors debated his future behind a gray metal door Monday night, Harman sat with friends nearby, smiling and laughing freely, his status signified by the four gold stars aligned vertically on each collar of his dark blue uniform shirt.

Then the door opened -- and a lawyer summoned Harman inside. A minute later, he could be seen through a window, slumped in that chair as directors told him his stars were coming off, effective May 31.

"It's too bad it had to end this way," Welsh, said Tuesday. "It's not been an easy eight years for the chief."

Follow Thomas Peele at [Twitter.com/thomas_peele](https://twitter.com/thomas_peele).

East Bay police chief ousted after stolen-gun scandal

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Police experts said Barrow should have been put on paid leave during the investigation and that Harman should have fired him for putting himself in a position where it could be stolen. The weapon was recovered the next day when the prostitute's pimp accidentally shot himself in the leg during an altercation at a Reno pawnshop.

Several residents sent board members sharply worded emails Monday calling for an end to Harman's tenure.

"Anyone voting to renew Harman is grievously irresponsible. It will not be tolerated," wrote Sylvia Elsbury, a local mother who has said Barrow should have been suspended as soon as Harman learned about the Reno incidents.

Former Director Ciara Wood said cutting ties with Harman would be "a departure from the Board's culture of collusion and cover-up," and urged it to be done immediately.

After the board finished its closed session on Harman, it was expected to enter a second closed session to discuss the lawsuit. It was not clear when all board members learned of the federal suit, but Director Vanessa Cordova, who was elected in November, said she only learned of it over the weekend when board President Len Welsh called the late-night meeting on short notice.

The suit stems from a 2011 drug arrest in the Marin County city of Mill Valley. The plaintiff, David McDonald, ran a business called The Pleasure Principle, described in court papers as an "oddball emporium" that sold adult films, tobacco products and novelties. He was accused of selling methamphetamine to an undercover agent, but pleaded guilty to a lesser charge after tests showed the material was a legal "powder extender."

The suit alleges that Barrow, as a member of a drug enforcement task force, was one of several officers who acted improperly during the raid of a store in Marin County in September, violating the civil rights of its owner and allegedly "either stole or caused to be stolen \$5,500 in cash, as well as jewelry and other items worth many thousands more," according to a copy of the suit.

Kensington is not a defendant in the suit, but it was unclear what liability it would face as Barrow's employer. The suit names a regional police cooperative, the West Contra Costa Narcotics Enforcement Task Force, known as WestNET, to which Kensington contributes both funding and Barrow's participation, as well as Barrow and several other officers individually.

Although the suit was filed in U.S. District Court in September, and dozens of filings have occurred since then, no lawyer for Barrow is listed in court records. Court records show Barrow was served with a copy of a third complaint of the suit on Jan. 16.

Neither of McDonald's lawyers, Jan Little and Benjamin Rothstein of the San Francisco firm Kecker and Van Ness, could be reached Monday. Deputy Attorney General John Devine, who is representing WestNET, was also not available for comment.

Drummond: Kensington police scandal hiding in plain sight

By Tammerlin Drummond Oakland Tribune Columnist

Posted: 02/18/2015 04:31:22 PM PST Updated: 6 days ago

The scandalous tale of a Kensington police officer whose gun was stolen during a hookup with a Reno prostitute was hiding in plain sight.

Since August, Kensington Police Chief Greg Harman had made regular mention of an active internal affairs investigation in his monthly public reports. The notation cited a case of "conduct unbecoming a police officer" stemming from a May 23, 2014 incident. Nothing more. No one, it appears, bothered to delve any further.

That changed in December when Bay Area News Group reporter Thomas Peele got a tip from a confidential source who told him that Sgt. Keith Barrow had gotten his gun stolen by a prostitute in a Reno hotel. The officer's weapon had been used by a felon who accidentally shot himself the next day. Peele learned Barrow had not been placed on administrative leave, which is standard in police internal affairs investigations.

What followed is an example of solid, no-frills investigative journalism that helped bring down a police chief and has led to calls for reforms in the way the tiny unincorporated town in Contra Costa County conducts the business of government.

I asked Peele to walk me through the back story -- from the time he first got the tip to publication of the articles -- some co-written with Julia Prodis-Sulek -- that have caused a public uproar in the sleepy town.

"I immediately realized I needed to see all this laid out in paper, naturally," Peele said.

He discovered two Reno Police Department news releases from May 2014. One described an arrest for grand theft involving a gun stolen from someone who was asleep. Christina Mae Taylor, 25, had been arrested for grand theft. There was also a report of a shooting the following morning. Tashanta Grant, 36, has been arrested for being a felon in possession of a firearm and defacing a firearm. Police confirmed to Peele that the two incidents were related.

Peele went next to the Superior Court website. He was able to get a basic outline of the criminal proceedings involving Taylor and Grant.

But he had to go to the Washoe County Courthouse in person to access the detailed narrative.

Peele drove four hours to Reno. At the courthouse, he read the transcript of Taylor's plea bargain in which she'd told the judge that she had stolen the gun from an off duty police officer who was a "John." She said she had "freaked out" and stole his gun, which she gave to Grant, her "dude."

Peele learned from police records that Grant had pulled the weapon during a dispute at a pawnshop and shot himself in the leg.

Having established the paper trail tying the Kensington police officer to the theft of the weapon at the Reno motel, to Taylor and to Grant, Peele headed back home to begin piecing together the story.

Chief Harman wouldn't comment. Neither would Police Protection and Community Services District President Len Welsh. Peele called Barrow several times. The officer's lawyer finally contacted Peele saying that Barrow would be suspended.

The first story published on Feb 8. immediately caused a public furor. Angry Kensington residents jammed public meetings demanding Harman's ouster. The town's governing board voted not to renew the embattled chief's contract, effectively terminating him.

There have been calls for major changes in the town's administrative structure, which lacks accountability. Harman is both the chief and civilian manager for the town -- an obvious conflict of interest.

"The reaction this story got in Kensington tells me the public still hungers for solid, fundamental, critical, arms-length journalism in communities," Peele said.

The sad thing is, with so many cutbacks at news organizations, this kind of good boots-on-the-ground reporting is becoming all too rare.

Tammerlin Drummond is a columnist for the Bay Area News Group. Her column runs Thursday and Sunday. Contact her at tdrummond@bayareanewsgroup.com or follow her at [Twitter.com/Tammerlin](https://twitter.com/Tammerlin).

EBMUD shuts down its biggest aqueduct to repair leak

By Denis Cuff dcuff@bayareanewsgroup.com

Posted: 02/20/2015 06:50:30 AM PST Updated: 4 days ago

WALNUT CREEK -- The largest of three big pipelines that deliver water to 1.3 million East Bay residents has sprung a leak and is temporarily shut down for repairs.

Crews are digging up the buried 87-inch diameter pipeline to make repairs expected to continue through this weekend, the East Bay Municipal Utility District reported Thursday.

The leak flooded the yard of a house on Cornwall Court in a hilly area between Larkey Park and the Acalanes Ridge Open Space.

Water service to EBMUD customers is not disrupted because the district has increased pumping in its other two aqueducts, and has reserves stored in local reservoirs, said EBMUD spokeswoman Abby Figueroa.

The leaky pipe can deliver 100 million gallons of water per day from the Sierra foothills.

During the repairs, a segment of a trail between Briones Regional and Mount Diablo State parks will be closed, she added.

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

Moraga-Orinda Fire District finances brighten

By Jennifer Modenessi jmodenessi@bayareanewsgroup.com

Posted: 02/20/2015 10:54:24 AM PST Updated: 4 days ago

MORAGA -- Barely a year after running out of cash, the Moraga-Orinda Fire District is projecting a much rosier financial future.

According to a midyear budget review recently approved by MOFD's board of directors, the fire district expects to see a total surplus of nearly \$720,000 when the current fiscal year ends in June.

"This is a positive development for the district, and I'd like to remind the board that less than two years ago, the fund balance in the general fund was \$75,000. Now we're approaching \$1 million," said Gloriann Sasser, the district's administrative director, at a recent board finance committee meeting.

The surplus is a result of continued higher property tax revenue, vacated firefighting positions and lower health care costs for current employees and retirees resulting from a new labor contract, among other factors, Sasser said. The district also plans to start paying down \$16.9 million in retiree health care debt, earmarking \$84,000 this fiscal year toward that debt to be contributed once the board establishes a trust fund, Sasser said at a Feb. 4 board meeting.

The turnaround comes a little more than a year after the district found itself planning to borrow \$700,000 from its capital projects fund to keep the general fund afloat, after exhausting its reserves the prior fiscal year. The district will still need to tap revenue from a special "fire flow" tax normally used for capital projects to balance its general fund for the next three years, Sasser said.

The midyear financials show general fund revenues \$592,000 higher than previously budgeted, and property taxes rising 8 percent, or \$1.2 million, over the previous year, Sasser said.

On the expense side, permanent salaries are \$656,000 less than budgeted due to six retirements and other open positions since May 2014. The new contract calls for the hiring of single-role paramedics to replace a dozen firefighter-paramedics who leave the district through retirement or attrition.

Sasser credited the new labor contract for reducing costs by capping how much the district pays for medical and dental insurance for active employees and retirees. The contract caps the district's monthly minimum contribution amount for retiree health insurance for new hires at \$122.

"These were significant concessions which helped the district manage retiree medical costs," Sasser told directors. The deal also shaved \$7.2 million off about \$24 million in unfunded retiree health care debt, according to the district.

Overtime costs, however, continue to rise. Sasser attributed those costs -- projected to run \$1.2 million over budget -- to workers' compensation injuries and an increase in daily minimum staffing from 17 firefighter-paramedics on duty to 19 last fall, Sasser said. Those positions cost the district an additional \$250,000.

She also reminded the board that a 1 percent salary increase for all employees will go into effect July 1. That raise follows a 3.5 percent across-the-board salary decrease last July. Salaries will grow 4 percent next year and an additional 3 percent if certain revenue targets are met. They'll go up another 4 percent in 2017.

In addition to approving the budget, at least one board member is moving on a January request from a resident to establish the district's first citizens finance advisory committee.

Director Steve Anderson asked fellow board members to consider attending similar finance meetings held by the town of Moraga and city of Orinda, saying he'd like the board to deliberate and discuss forming such a committee at some point.

Contra Costa Times editorial: It's time to close Doctors Medical Center

Contra Costa Times editorial © 2015 Bay Area News Group

Posted: 02/22/2015 04:00:00 PM PST Updated: about 3 hours ago

It's time.

No one wanted to reach this point. No right-thinking person would take pleasure closing West Contra Costa's public hospital. But every attempt to save Doctors Medical Center in San Pablo has failed.

Voters have approved two parcel taxes, but they haven't been enough. A plea for a third tax was rejected at the polls. Attempts to find a bigger hospital, such as UC San Francisco, to absorb Doctors have gone nowhere.

Last-minute solicitation of offers from private groups fell flat last month when none was even willing to put up earnest money and none had a substantive plan beyond borrowing more money and digging the hospital deeper in debt.

We commend hospital Director Eric Zell, county Supervisor John Gioia and former hospital CEO Dawn Gideon for their extraordinary efforts trying to find a way out. If anything, they could be faulted for not pulling the plug sooner.

Now, it's time to start responsibly closing the doors, while ensuring that care for remaining patients is transferred, that medical and personnel records are properly preserved, that employees' retirement plans are fully funded and that radioactive equipment is safely shut down.

It's also time to open up an urgent care center to help treat nonemergency patients that have regularly turned to Doctors for their primary and urgent care. For that, we've heard surrounding hospitals say they are willing to provide assistance. It's time for them to step forward.

As for the hospital, some remain in denial. And some simply are irrational. It's time for them to recognize that the district has borrowed for years to keep the operation going. As a result the health care district that runs the hospital owes \$74 million to bondholders and the county.

It also has about \$18 million of other debts, primarily unfunded liabilities for employees' retirement benefits that the workers and retirees have already earned. The district must not walk away from that obligation.

It's against that backdrop that the district is about to sell to the city of San Pablo an office building it owns across the street from the hospital and part of the hospital parking lot. The mathematically challenged closure deniers undoubtedly will cry that the money should be used to keep the hospital running.

The fact is that the district will run out of cash in less than a week. The revenues from the sale of the ancillary property will barely cover the costs of the closure, which is estimated to take about four months.

Delaying the inevitable closure will only lead to more debt later. Sadly, it's time to say goodbye.

San Pablo: City Council weighs \$11M Doctors Medical Center land deal

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

Posted: 02/22/2015 12:00:00 AM PST Updated: a day ago

SAN PABLO -- With the survival of Doctors Medical Center seemingly hanging on down-to-the-wire negotiations with San Pablo officials, the City Council will hold the latest in a string of special closed sessions Monday to discuss a possible real estate deal that would provide a lifeline to West Contra Costa's only public hospital.

But what portion, if not all, of the hospital's properties is under negotiation was not entirely clear Friday. And also unclear is whether such a deal will pave the way for the cash-strapped hospital to pursue a long-term solution that will preserve it as a full-service facility.

After a closed meeting Thursday of the board of the West Contra Costa Healthcare District, which owns the hospital, board Chairman Eric Zell said "only a small portion" of the 10.8-acre hospital campus is "in play," and that "we will preserve the integrity of our primary hospital asset." He did not specify how much of the campus, which consists of a single Assessor's parcel and is at 2000 Vale Road, is in play.

But according to Monday's closed-session San Pablo City Council agenda, the entire portfolio of properties is under negotiation: the campus as well as 2023, 2023-A and 2121 Vale Road. The properties other than the campus are across Vale Road and consist of a condo and two buildings on parts of five parcels, Zell said.

The hospital's immediate neighbor to the east, the Lytton Rancheria Indian casino, paid \$4.6 million up front last year for a 20-year lease on a slice of the campus parcel, to use for parking.

A month ago, attorneys for San Pablo sent a letter of interest to the health care district offering to buy all six properties in exchange for \$11 million plus the transfer of a 5.88-acre city-owned parcel known as Lot 5 near the Contra Costa County Health Services Department's West County Health Center.

The Jan. 21 letter values Lot 5 at \$7.865 million based on a broker's opinion.

Under the Jan. 21 San Pablo proposal, the city would lease the hospital back to the health care district for five years at \$1 a year.

Lot 5 could be used only as a medical facility, according to the proposal. The Jan. 21 letter notes that the Lytton tribe has a right of first refusal to Lot 5, and that the proposed deal would require that Lytton waive its right.

On Jan. 8, the City Council approved a \$20 million lease revenue bond issue "to finance certain capital improvements and property acquisition for the city." The City of San Pablo Joint Powers

Financing Authority, the product of a joint powers agreement of San Pablo and its redevelopment successor agency, passed a similar resolution.

The acquisitions would include the hospital campus at 2000 Vale Road and a health care district-owned property across Vale Road. The capital improvement projects include upgrades to City Hall and conversion of a building at 13751 San Pablo Ave. for library use.

On Jan. 9, Standard & Poor's assigned an "AA-" long-term rating to the bond issue. According to the council resolution, the city would lease the properties back from the financing authority.

The financially ailing hospital, long home to the largest emergency room in West Contra Costa, is running an annual deficit of about \$18 million and could run out of cash by the end of the month. Kaiser Permanente's Richmond hospital operates the only other ER in West County.

DMC, which suspended emergency ambulance traffic last summer, now faces two possible scenarios, Zell said Friday: remaining open as a full-service, acute-care hospital with an emergency room, or an orderly closure.

"Will the money that we receive in a San Pablo deal be enough to sustain a full-service hospital with a sustainable financial future, or will circumstances require an orderly closure?" Zell said. "And are there any other sources of external money that would allow this hospital to sustain itself?"

Steve Simpson, a Doctors Medical Center operating room nurse, said during a break at Thursday's meeting: "We're still committed, and working hard, to keep this hospital open and provide patient care."

Zell on Friday ruled out the possibility of the health care district converting DMC into an urgent care facility if efforts to sustain a full-service hospital fail, though he added other health care providers might pursue such a path.

San Pablo City Manager Matt Rodriguez said Friday he could not comment on details of a deal until both parties accept one.

"The city continues to work toward keeping DMC operating as a vital community resource in providing critically needed medical services to local residents and the West County region," Rodriguez said. "Our goal is to get to a workable solution soon by providing one-time cash for DMC to continue to operate in exchange for a portion of (health care district) assets before the hospital's resources are depleted by the end of this month to avoid immediate closure."

Larry Stidham, attorney for the Lytton tribe, did not immediately respond to a request for comment Friday.

Monday's special closed session council meeting will be at 5:30 p.m. at San Pablo City Hall, 13831 San Pablo Ave.

Contact Tom Lochner at 510-262-2760. Follow him at [Twitter.com/tomlochner](https://twitter.com/tomlochner).

Drought: EBMUD eyes fines for water thieves

By Denis Cuff

dcuff@bayareanewsgroup.com

Posted: 02/21/2015 03:37:57 PM PST Updated: 3 days ago

With tap water becoming an increasingly hot commodity in the drought, East Bay officials say it's time to turn up the pressure on meter cheaters and others who steal water.

The East Bay Municipal Utility District -- like many Bay Area water districts -- has never fined people who try to get water without paying for it, in keeping with a philosophy that emphasizes educating rather than penalizing customers. Repeat offenders have had their water turned off and been charged reconnection fees.

But now, with the theft of water on the rise, district officials are considering adopting fines or even criminal penalties.

"I get it that we are not a police agency, but when someone is caught, we should have some fine greater than the cost of water," said John Coleman, a board member from Contra Costa County.

The district is the second agency in the East Bay to consider tougher action against water thieves.

The Contra Costa Water District in December increased fines for stealing to \$250 for a first offense and \$500 for subsequent offenses. The fine previously had been \$25.

Some thieves steal from hydrants, wrenching them open illegally rather than securing a permit and portable meter to pay for the water used for dust control, street sweeping, construction or other purposes.

Some residential thieves pry open meters that were shut off because the homeowner didn't pay the bill. Others improvise illegal plumbing connections to public water pipes or their neighbors' pipes.

One church applied for a break on its bill after its water was stolen by a pot grower who used a church hose to water his crop, EBMUD officials said.

Reports of thefts are on the rise as the drought, now in its fourth consecutive year, has spiked public attention on the issue of water use in California, said Abby Figueroa, an EBMUD spokeswoman.

"We hear reports from people on the street, and they sometimes send us cellphone photos of connections people consider suspicious," she said.

In response to water thefts from homes, the district added locks to 1,128 water meters that had been pried open illegally during the first 11 months of 2014 -- an increase from 842 locked meters in all of 2013, officials said.

Many, if not most, of those meters were locked when customers illegally turned their meters back on after they had been turned off for lack of payment, Figueroa said.

Some locked-out customers cut the locks and turned the water back on again.

Figueroa said the 1,128 locked meters represent just a fraction of the 325,000 water meters districtwide. EBMUD serves 1.3 million people in Contra Costa and Alameda counties.

Coleman of the water board said he wants to look at options for criminal penalties for tampering with district equipment or neighbors' pipes.

A water board committee will meet March 10 to consider options for punishing water thieves.

Newly elected EBMUD Director Marguerite Young, of Oakland, agrees some fines are appropriate.

"If people know you can be hit with a substantial fine, people are going to be more reluctant to steal water," Young said.

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

Feb. 24 letters to the editor

Letters to the editor, Oakland Tribune © 2015 Bay Area News Group

Posted: 02/24/2015 04:00:00 PM PST

Should be outside probe in Kensington

There seems to be a few problems with the situation with the Kensington Police Department's investigation. ("Kensington: Police chief ousted after stolen-gun scandal," Feb. 16)

I agree that the officer should have been put on suspension immediately upon reporting the theft/loss of his badge, gun, ammo and cuffs to his chief.

The other problem: Being how small of a town Kensington is, their town board should not be involved in this type of investigation. It should be done by an outside agency, such as either the District Attorney's Office, sheriff's office, CHP, or the state Department of Justice. The people in town are too closely connected to the police department to do a proper investigation.

Tom Matarrese
Oakland



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Non-Competitive Compensation Package Plagues MOFD Recruiting Efforts

By Nick Marnell

The Moraga-Orinda Fire District is struggling to recruit and retain qualified firefighter-paramedics, and both management and the rank and file have expressed concern that increasing staffing to handle this year's fire season will be a challenge.

Moraga and Orinda are two of the gold standard communities in Contra Costa County. The 35,000 residents, whose median home value exceeds \$1.2 million and who earn some of the highest incomes in the Bay Area, allocate over 20 percent of their property taxes to their fire district, helping provide it with annual revenue of more than \$18 million. The revenue funds the operation of five fire stations, above the National Fire Protection Agency 2013 fire department survey average of 3.3 stations for districts the size of MOFD. The residents have paid for this enhanced level of service since the district's 1997 inception.

Despite serving such wealthy communities, MOFD firefighters do not keep pace financially with their peers. "They are one of the lowest paid and they have the worst health and retirement benefit package of the paid firefighters in the county," said Vince Wells, president of firefighters union Local 1230.

The plight of the MOFD firefighters evokes little sympathy from many, who cite the firefighters' high average salaries and benefits; 36 MOFD firefighters earned total compensation of over \$200,000 in 2014. But firefighters have recently departed the district for more lucrative deals, potentially leaving MOFD as a veritable training ground and feeder system - likely not the scenario that residents envisioned 18 years ago. "It's a valid concern," said Fire Chief Stephen Healy. "It's a challenge for us because we compete in a regional job market, and other agencies offer better benefits than we do."

To aid in employee recruitment and retention, the district recently increased its health care premium contribution for firefighters. But its contribution for retiree medical insurance for new hires remains at the California Public Employees' Retirement System minimum, compared with the contribution of the Contra Costa County Fire Protection District, which pays the same amount in health care premiums for its retirees as it does for its active members. Most of the MOFD firefighters also pay a 9 percent subvention of the employer share of the district's pension contribution, while ConFire negotiated out the employee subvention in its latest contract. "No doubt, the ConFire deal added pressure to our district," said Healy.

The district employs 51 firefighters to cover its basic 51 weekly shifts, and to cover the shifts missed by those on vacation, sick, on disability or on a strike team. Last year MOFD increased its daily staffing from 17 to 19 firefighters during the height of the fire season. "We are concerned the district does not have the capacity to go to 19 this summer," said Mark DeWeese, MOFD union representative.

Healy agreed that increasing the staffing for fire season will be a challenge, but he said that MOFD has the capacity to staff at 19 by using overtime. Overtime is a fact of firefighting life, and paying overtime is less expensive than hiring additional firefighters. But it can exact a high human toll. Last year, as ConFire coped with its own overtime crisis, Wells said, "... I get concerned when overtime is so excessive that the firefighters don't want to work it and you're forcing them to." As provided in the latest labor contract, MOFD has the right to hire single role paramedics to fill current vacancies. Either the district or the union can request other adjustments. "You can always renegotiate a contract," said district union representative Anthony Perry - like eliminating the firefighters' subvention of district pension costs or increasing the amount of the district contribution to cover retiree health care. "Those would be public policy decisions for the board to make," said Healy.

"Maintaining competitive wages and benefits for our employees is important to the district," said

Alex Evans, MOFD board president, who would not elaborate.

The chief said that he does not expect the size of the current staff to impede district firefighting efforts. "We'll be looking at this every day through the summer, and it will have some impact on our ability to provide statewide mutual aid. But our first duty is to protect our own citizens."

Reach the reporter at: info@lamorindaweekly.com

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San Pablo: Doctors Medical Center property negotiations enter final stage

Updated: 02/24/2015 05:29:10 PM PST

ContraCostaTimes.com

SAN PABLO -- A deal to sell some of Doctors Medical Center's real estate holdings to San Pablo could come to fruition Wednesday, just days before the struggling hospital is slated to run out of cash.

The transaction would provide a small amount of breathing room as the hospital's governing board looks at two scenarios: an orderly closure, or continuing the current full-service, acute-care model, including an emergency room.

But with the hospital running an annual deficit of about \$18 million, and with apparently no debt support from other health care systems forthcoming, the hospital would need a steady source of cash. To that end, the West Contra Costa Healthcare District, which owns the hospital, has commissioned a poll to gauge voter support for possible parcel taxes of \$50, \$100 and \$150 per year that would raise about \$5 million, \$10 million and \$15 million a year, respectively.

Eric Zell, board chairman of the health care district, said that for the district to consider a parcel tax measure, the poll would have to show very strong support for the higher amounts.

He noted that just last May, a measure for an annual tax of 14 cents per square foot, or about \$210 a year on a 1,500-square-foot house, won only 52 percent yes votes, far short of the two-thirds approval required. That tax would have raised about \$20 million a year, according to district estimates, enough to cover the deficit.

"I'm not optimistic that there will be enough support for a parcel tax," Zell said Tuesday.

A third scenario -- converting Doctors Medical Center into a smaller, urgent care facility without an emergency room -- is not being considered by the health care district. The Hospital Council of Northern and Central California, however, is discussing the possibility in consultation with a private health care provider, according to the hospital council's spokesman, Kevin Keane.

The health care district and San Pablo have conducted numerous negotiations over real estate recently, but how much of the hospital's holdings are in the balance has been something of a moving target.

Zell last week said "only a small portion" of the 10.8-acre hospital campus is "in play," but according to the agenda of a closed session Monday of the San Pablo City Council, the entire portfolio is under negotiation: the campus as well as property at 2023, 2023-A and 2121 Vale Road. The properties include two medical office buildings, a parking lot and a residential condo.

A roughly 2-acre section of the hospital campus is being used by the adjacent Lytton Rancheria casino for parking under the terms of an easement for which the casino paid the health care district \$4.6 million for 20 years up front last year.

The San Pablo council closed session on Monday did not result in any reportable action, Mayor Kathy Chao Rothberg announced afterward.

Wednesday's health care district board meeting will include a financial presentation. The board will meet at 4 p.m. in open session in the hospital auditorium, 2000 Vale Road.

West County Wastewater District postpones decision on system upgrade, rate hikes

By Rick Radin Correspondent

Updated: 02/24/2015 06:09:58 PM PST

ContraCostaTimes.com

RICHMOND -- With the support of two new board members, West County Wastewater District directors decided to postpone for at least a year consideration of a 20-year system upgrade and proposed steep rate hikes that would accompany it.

The master plan for the improvements, which was in the making for two years and completed last fall, would involve replacing more than 79 miles of the system's 249 miles of pipeline and eventually raise rates for district property owners to over \$1,000 annually.

Some of the pipes in the system date from the district's creation 94 years ago with an average age of 30 to 40 years, according to district statistics. Forty percent of the pipeline is more than 50 years old.

It also proposes critical repairs and improvements to the district's sewage treatment plant in Richmond and upgrading or relocating the district's headquarters and service facilities.

These changes will help the district comply with water and air quality regulations and help protect the low-lying treatment plant from rising water levels in the Bay.

But the cost in terms of debt and rate hikes made board President Michael Caine and recently elected directors Leonard McNeil and Audrey Comeaux pause.

The entire upgrade would require spending \$515 million accounting for inflation over the 20 years, with three proposed funding scenarios that include borrowing from a special state revolving fund for wastewater treatment improvements.

The fund is offering loans with 1 percent interest for water reuse projects under the governor's drought-relief program and 1.9 percent for other wastewater projects.

Under the scenario that involved the least borrowing -- \$95 million -- and steeper rate increases, wastewater treatment rates would rise from \$381 a year per household in 2015 to \$1,346 a year by 2020 and remain there through 2034.

Under an alternative scenario where the district would borrow the entire \$515 million, rates would rise more slowly, increasing from the current \$381 per household to \$980 a year by 2024 and then continuing to rise to nearly \$1,400 a year by 2033.

The last improvement program to the district's infrastructure took place in the 1970s, when 87 percent of the work was paid for from state and federal grants.

"It's a great master plan, but putting all of the burden on our ratepayers is going to be hard to swallow," Caine said.

Comeaux agreed and urged her fellow directors to take another look at the master plan and prioritize the work to reduce costs.

"Review the project with the priorities on complying with regulations, public safety and the environment," she said. "Reassess the timelines and the importance of the work."

Board Secretary Alfred Granzella and board member George Schmidt disagreed, saying that surveys of the district's infrastructure proved there is an urgent need to implement the master plan to lower the likelihood of a system failure.

"Things are at a crisis point, and we've come up with a good plan to improve the system," Schmidt said. "Our rates have always been the lowest in Contra Costa and will be low after we (do the improvements) ."

Caine also acknowledged the risk inherent in the delay.

"If you don't do anything, you set yourself up for tremendous liability" from flooding, service outages and other malfunctions, he said.

The 3-2 vote to table the plan put off any decision to go ahead until 2016. The district needed to approve a financing plan Tuesday to get a rate increase approved this year.

West County Wastewater serves 93,000 residents in San Pablo and portions of Richmond, Pinole and unincorporated El Sobrante, with the population in its service area expected to rise to 113,000 over the 20-year master plan term.

Time quickly running out on Doctors Medical Center

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

Posted: 02/26/2015 12:00:00 AM PST Updated: about 2 hours ago

SAN PABLO -- After a months-long effort to save West Contra Costa's only public hospital, local health care officials acknowledged Wednesday that its chances for survival remain bleak despite a tentative deal to sell part of its real estate holdings.

During a West Contra Costa Healthcare District board meeting, officials began discussions about the best way to close Doctors Medical Center in coming months if last-ditch efforts to preserve a full-service hospital fail.

The cash from the sale of land to the city of San Pablo would allow the hospital to close in an orderly fashion, including paying employee payroll as well as accrued sick leave, pension obligations, workers' compensation and unemployment dues, insurance, utilities and vendors' bills, officials said. "We owe it to our employees to make them whole," health care board Chairman Eric Zell said.

Any hope of saving DMC now hinges on a long-shot attempt to generate public support for a new parcel tax, something that seems unlikely after voters rejected a similar tax proposal last year.

The deal, involving mostly property across the street from the hospital campus, would net its owner, the health care district, \$7.5 million in cash. The deal needs to be ratified by the San Pablo City Council, likely next week, and a formal purchase-and-sale agreement is supposed to go before the DMC board next Wednesday.

The financially-strapped hospital has been running an annual deficit of \$18 million and has steadily reduced services in recent months, generating widespread concern throughout the region about the impact on public health. DMC has long operated West County's largest emergency room and handled lifesaving care for heart attack and stroke victims.

It was on course to run out of cash the week of March 13, consultant Harold Emahiser told the board.

An orderly "wind-down," Emahiser said, would cost between \$4 million and \$6 million and would take about six months, although the hospital would be closed to patients much sooner.

To keep the hospital open, he said, would require a positive answer to two questions: "Is there a sustainable model, long term?" and "Is there another source of cash?"

The hospital's patient mix -- about 80 percent Medi-Cal and Medicare, 10 percent uninsured and 10 percent private patients -- is the prime factor preventing the hospital from being sustainable, officials said.

"If we got the full cost of care from Medi-Cal and Medicare, we wouldn't be here today," Zell said.

As for the needed infusion of cash, a request for \$4.3 million a year in debt relief to Kaiser Permanente, Sutter Health and John Muir Health, made through the Hospital Council of Northern and Central

California, recently was rejected, Zell said, as was a one-time request for \$4 million in "cash crunch relief."

The three providers have emergency rooms in the East Bay that have had to absorb patients that normally would go to DMC, which had to stop accepting ambulances in August; DMC's ER remains open for walk-in patients.

Results of a poll commissioned by the health care district to gauge voter support for a parcel tax are expected next week.

The deal approved unanimously by the health care district board Wednesday calls for San Pablo to pay the district \$3 million in March and \$4.5 million in April. San Pablo would receive title to two medical office buildings, a condo and some parking, all on the north side of Vale Road. The city would also receive a 2-acre chunk of the hospital's campus currently used for parking by the adjacent Lytton Rancheria casino under a 20-year easement for which the tribe paid \$4.6 million last year; the health care district would be absolved of paying back the \$4.4 million unused balance of the easement term, making the deal worth \$11.9 million.

San Pablo previously had proposed to buy the hospital's entire real estate portfolio for \$11 million and a nearby piece of land -- enough cash for about four or five months of DMC's expenses.

Under that proposal, "We would be trading operation money for assets," Zell said.

During the public comment period, El Sobrante resident Marilynne Mellander urged the board not to invest anymore taxpayer money in the hospital.

"I say, shut it down as soon as possible," Mellander said.

But other speakers, including several DMC nurses, urged the board to do everything in its power to keep the hospital open. Respiratory therapist Sandra Willingham, addressing those who want the hospital to close, said: "Those few people may one day need this service, and when they do.... we will take care of them in the same good way as we've done in the past."

Outside the hospital, Richmond resident Salvador Rodriguez, 26, said he has no medical insurance, but he was treated at the hospital several times for an injury to his leg and other ailments.

"I like this hospital," Rodriguez said. "I like the treatment; I like the care. Everything is convenient.

"I would hate it if this place went out."

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ConFire, AMR expected to bid for Contra Costa's new ambulance contract

By Matthias Gafni mgafni@bayareanewsgroup.com

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Contra Costa's ambulance contract is up for grabs.

The contract for American Medical Response, which has served the county's emergency calls for decades, expires at the end of the year, and the bidding process to find a new ambulance provider opened Friday.

Contra Costa Fire District, the county's largest fire department, is expected to compete for the county contract, which designates an agency to respond to all 911 medical emergencies. Firefighters for the San Ramon Valley and Moraga-Orinda fire districts already provide emergency ambulance services in those areas. AMR also is expected to bid to keep servicing the county.

Bids for the new, five-year contract are due May 21, and the new contract would begin in 2016. The contract includes a five-year renewal option based on performance.

Bidders are asked to provide two different service models: one similar to the current model and another with ways to optimize services to match patient need.

County supervisors hired consultants to create the EMS Modernization Project Report in 2012 to make Contra Costa's system more efficient and reduce the chances the county would have to subsidize the ambulance provider.

The bidders must also show their capabilities, including response times, staffing and equipment requirements.

The Board of Supervisors is expected to choose a provider in July.

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Barnidge: D-Day fast approaching for Doctors Medical Center

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

Posted: 02/28/2015 12:00:00 PM PST

Recent meetings of the governing board of Doctors Medical Center San Pablo have felt like a waiting room for an intensive care unit. Well-wishers wearing solemn expressions assemble in hushed silence awaiting a prognosis on the chances for survival.

Funding woes have plagued the hospital for as long as anyone can remember, but there was always a flicker of hope in the past -- an infusion of cash from Kaiser Permanente and John Muir Health; \$35 million in loans from Contra Costa County; a \$3 million gift from the state; a promise of \$15 million from Richmond.

Thanks to an assortment of saviors, DMC has stared down death more often than James Bond. But all the harrowing escapes seemed a distant memory Wednesday afternoon, when directors of the West County Healthcare District signaled that the time is near to prepare for the end.

They announced their intention to sell three parcels of hospital property to San Pablo for \$7.5 million, most of which is expected to be used for paying off outstanding expenses in preparation for closure.

"We're no longer kicking the can down the road," board President Eric Zell said. "We're dealing with the reality of our financial situation."

The coffin has not been nailed shut. The hospital will remain open in a limited capacity for now, clinging to the faint hope that survey results will reflect an appetite for a new district parcel tax. But inasmuch as the last effort, just 10 months ago, came up 15 percent short at the polls -- 52 percent in favor of a measure needing two-thirds support -- this escape would rival anything Houdini ever attempted.

Zell pegged decision time at 30 days. "We have to decide when we're going to stop burning money on operations and start using it for closure," he said.

There's never been a shortage of a need for DMC. It typically averages 40,000 emergency room patients a year, including more than 500 requiring cardiac care. The problem is that funding for services has not kept pace. About 80 percent of patients are on Medicare or Medi-Cal; about 10 percent are uninsured.

"This hospital cannot continue on a stand-alone basis as long as Medicare and Medi-Cal rates are as low as they are," Zell said. "If we got the full cost of care, we wouldn't be having these conversations."

He couldn't help but note the irony of recent nationwide health care reform: "Under the Affordable Care Act, we're providing greater access to health care but not providing more money to serve the people who are getting access."

No one can fault the hospital's supporters for the long-dreaded arrival of D-Day. Directors knocked on doors and lit up phone lines in search of funding answers. Members of a dwindling staff took extra shifts and agreed to benefit concessions. Their collective sense of loss was in the air at the most recent meeting.

This end was likely inevitable. The question that follows: What's next?

Zell holds out hope that LifeLong Medical Care, which operates a health care clinic in one of the nearby facilities San Pablo bought, will find the resources to convert to an urgent care center. He hopes the West County Health Center on San Pablo Avenue can pick up some of the slack when Doctors closes its doors.

Even in recent weeks, as service has been scaled back, the hospital has treated nearly 100 patients a day. The unanswered question is where those folks will find help when the plug is pulled on DMC.

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East Contra Costa Fire District to try again on mail-in election

By Rowena Coetsee rcoetsee@bayareanewsgroup.com

Posted: 03/03/2015 09:45:20 PM PST Updated: about 12 hours ago

OAKLEY -- The East Contra Costa Fire District will be mailing ballots to property owners this month in a second attempt to pass a benefit assessment that would enable it to reopen a fifth station for the next few years.

The district board of directors on Monday agreed to resume the effort to drum up more revenue for the financially beleaguered agency, which had to close one of its Brentwood stations in September.

The four fire houses that remain serve an approximately 249-square-mile area.

The fire district will mail 42,807 ballots to every property owner -- residential, commercial and governmental -- by March 13, proposing assessments that range from \$14.71 to \$1,291.

The assessments would remain in effect for five years and would not include an inflation factor to cover cost-of-living increases.

Ballots must be returned by April 27. At 10 a.m. that day, the district will hold a public hearing at Oakley City Hall, where constituents can weigh in on the assessment and turn in last-minute ballots.

Following the hearing, the public can watch votes being counted; fire Chief Hugh Henderson said he expects the results to be announced at a special board meeting that night.

A majority vote would generate an estimated \$4.2 million per year in additional revenue, enabling the district's Discovery Bay, Knightsen and Oakley stations to stay open as well as both of Brentwood's stations.

As much as first district officials hope the assessment will succeed, Henderson readily acknowledges that it's no panacea.

"This is a temporary fix. We know this isn't a permanent answer for the district," he said.

East Contra Costa Fire suspended its first attempt at a benefit assessment in September after discovering that about 10,000 of the ballots it had mailed proposed charges that were either too high or too low.

The district had calculated the assessments based on information it had received from other government agencies on the proximity of properties to fire hydrants and streets, data that turned out to be obsolete.

The assessment on a parcel varies according to those two factors, among others: The farther it is from a water source and the more difficult it is to reach, the less benefit that property owner derives from fire services and the less he or she consequently pays.

An investigation into the reasons for the erroneous data revealed that although some East Contra Costa properties weren't being assessed enough, most landowners had received ballots reflecting an overcharge.

If voters reject this benefit assessment, the district will have to close its Knightsen station again, returning to the three fire houses it had in 2012.

Following the failure of a proposed parcel tax in June of that year, East Contra Costa Fire shuttered half of its six stations until that November, when a two-year federal grant it had received allowed it to reopen Knightsen's firehouse.

The district reopened Brentwood's downtown station in May 2013 only to mothball it again last fall.

East Contra Costa Fire is only able to keep the remaining four facilities open through the end of this fiscal year because of the grant coupled with a \$1.4 million windfall in property tax revenue, Henderson said.

Should the agency find itself with just three stations, firefighters will be forced to change the way they do their job, he said.

With fewer personnel responding to calls and longer distances to travel because stations have closed, crews are more likely to encounter structures that are fully engulfed by the time they arrive, he said.

If that's the case, they'll take a defensive approach, focusing on preventing the blaze from spreading to nearby homes instead of trying to salvage the contents of the building where it started, Henderson said.

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