

**BOARD OF SUPERVISORS RESPONSE TO
GRAND JURY REPORT NO. 0808:
AQUATIC JUNKYARDS EXIST IN CONTRA COSTA COUNTY**

FINDINGS

1. Sections 663 and 663.5 of the California Harbors and Navigation Code specify that county sheriffs have the primary law enforcement responsibility for waterways within their respective jurisdictions.

Response: *Agree.*

2. Contra Costa County (County) shares waterway boundaries with Sacramento, Solano, San Joaquin, and Alameda Counties.

Response: *Agree.*

3. The County is responsible for approximately 200 miles of waterways and shorelines.

Response: *Agree.*

4. These waterways are important to the county and the state, not only because they are the source of drinking and irrigation water for millions of the state's citizens, but because they also offer fishing and recreational opportunities.

Response: *Agree.*

5. There are places in the County where waterways, shorelines, and adjacent land are littered with debris, abandoned vessels, docks and pilings, gutted mobile homes, and houses that have fallen into the waterway.

Response: *Agree. Further cleanup of county waterways is necessary. The County Department of Conservation and Development (DCD) code enforcement staff has been diligent in identifying code violations, discussing building, zoning, and health concerns with property owners, citing violations, and pursuing code enforcement action as necessary.*

6. Residences like those shown below have been constructed adjacent to Delta waterways without the necessary building permits and are not in compliance with County codes in regard to electrical wiring, plumbing, sewerage disposal, treated water, fire protection, and building integrity.

Response: *Agree. There remain many substandard buildings and structures, and junkyard conditions adjacent to Delta waterways. However, the DCD has been active in code enforcement related to structures on islands in the Delta waterways. These activities include:*

- ◆ *Bradford Island residents were provided with eight 20-yard trash dumpsters free of charge in 2000, courtesy of DCD and the Public Works Department.*
- ◆ *Salisbury Island was abated of 110 structures, including 39 residences and 42 docks in 2004.*

- ◆ *Golden Gate Island was approved for abatement by the Board of Supervisors in 2005, and that decision was upheld by the Superior Court. On July 25, 2008, the First District Court of Appeal ruled in the County's favor, triggering a new 40-day appeal period. Absent any further appeal, the County can begin abatement.*
- ◆ *Bradford Island has two current code enforcement cases that include the issues in the pictures in the Grand Jury report. On August 5, 2008, the Board of Supervisors denied the appeal on one case and granted the owners 90 days to comply with abatement order. The other case is still pending.*
- ◆ *Quinn Island has five current code enforcement cases that include the issues shown in the pictures in the Grand Jury report.*
- ◆ *Quimby Island has two pending code enforcement cases.*
- ◆ *Hammer Island has one pending code enforcement case.*
- ◆ *Holland Tract has one pending code enforcement case.*

The DCD has worked extensively in the past with the Sheriff's Department and other local agencies to clean up the County's waterways and shorelines. In fact, the barge, floating home, and derelict vessels shown in the picture on the top of page 22 of the Grand Jury report no longer exist because of just such a joint effort, which was featured in the cover story of the March 2007 edition of the Building Inspection newsletter (copy attached). Notably, the County's code enforcement efforts on Salisbury Island garnered national recognition, with the County being named a "2005 Achievement Award Winner" by the National Association of Counties.

7. Derelict vessels and many other abandoned objects in the County's waterways contain toxic substances. Examples include creosote-treated pilings, lead-acid batteries, fuel tanks, asbestos, and lead paint.

Response: *Agree.*

8. Abandoned commercial vessels in the waterways include tugboats, commercial fishing boats, schooners, houseboats, barges, cranes, and dredges. Some vessels exceed 300 feet in length. These vessels are often accompanied by junk and debris, including butane and propane tanks, kitchen appliances, tires, barrels, scrap iron, and portable toilets.

Response: *Agree, with the clarification that houseboats are generally considered recreational, not commercial, vessels.*

9. Abandoned creosote-covered pilings, some with the remnants of buildings on them, number in the thousands.

Response: *Agree. The DCD pursues code enforcement cases through the owner of the property on which the violation exists. Many of the pilings are located on land that is under the jurisdiction of the State Lands Commission.*

10. The Office of the Sheriff (Sheriff) reports that some individuals have purchased derelict vessels and moved them into out-of-the-way locations. These derelict vessels are then

inhabited in violation of County codes. Squatters also have moved into abandoned vessels. They pollute the waterways with garbage and untreated human sewage.

Response: Agree.

11. Counties adjacent to Contra Costa have not enacted ordinances that would enable them to participate with Contra Costa in removing derelict or abandoned vessels in the Delta.

Response: Disagree. Solano County has enacted an ordinance similar to Contra Costa County's Vessel Mooring and Sanitation Ordinance in an effort to enforce illegal sewage disposal and mitigate the potential for future abandoned vessels. Sacramento and San Joaquin Counties have drafted similar ordinances, which are currently in the legislative review process.

12. Several County agencies administer regulations pertaining to the waterways. The primary agencies are the Sheriff and the Building Inspection Department.

Response: Agree. The Office of the Sheriff and the DCD will continue to work in conjunction with the Public Works Department, HSD-Environmental Health Division, and federal and State agencies to address code enforcement issues in the Delta.

13. Four of the County's five supervisorial districts have waterways that are polluted by abandoned watercraft, junk, and debris as shown on the following map.

Response: Agree. See the County's response to Finding No. 6.

14. The Sheriff started patrolling the Delta in the 1960's with its Marine Patrol Unit (MPU).

Response: Disagree. The Sheriff's Department started patrolling the Delta in 1954.

15. The Sheriff began removing abandoned recreational vessels from the Delta in 1987.

Response: Disagree. The Sheriff's Department began removing abandoned recreational vessels from the Delta in 1997.

16. The County's Building Inspection Department is responsible for the removal of derelict vessels, illegal buildings, junk, and debris on land adjacent to the waterways.

Response: Agree. See the County's response to Finding No. 6.

17. Since 1997, the California Department of Boating and Waterways has provided grants to the County for derelict vessel removal. The use of this money is restricted to the removal of recreational vessels as well as pilings that are a threat to navigation.

Response: Agree. The Sheriff's Department in 2007/08 received approximately \$102,000 in grant funding for derelict vessel removal and removed 22 vessels, 8 pilings, and 4 docks.

18. The Sheriff is not aware of the total number and location of all abandoned commercial vessels located in the County's waterways.

Response: *Partially disagree. The Sheriff's Department maintains an inventory of identified abandoned recreational and commercial vehicles. The inventory is updated on a semi-annual basis.*

19. Over the past 10 years, the MPU has removed an average of 30 abandoned recreational vessels per year.

Response: *Agree.*

20. The MPU is funded by state boat registration fees, the County's general fund, and the state's Boating and Waterways Agency. The MPU annual budget is approximately \$1.3 million. The budget does not include funding for the Sheriff's Air Support Unit. This unit is funded through the federal Drug Enforcement Administration.

Response: *Partially disagree. The Sheriff's Department Marine Patrol Unit is funded by County boat tax revenue, financial aid from the California Department of Boating and Waterways, and the County General Fund. The Sheriff's Department Air Support Unit is primarily funded by State and federal grants. Neither program is funded with vessel registration fees.*

21. The MPU has 11 full-time-equivalent staff consisting of 4½ deputy sheriffs, one sergeant, 1½ staff in the air support unit, one lieutenant, and three full-time equivalent positions to provide part-time support. The MPU has seven boats, six vehicles, six trailers, and two helicopters.

Response: *Partially disagree. The Sheriff's Department Marine Patrol Unit has 8 full-time equivalent staff comprising 4½ deputy sheriff, 1 sergeant, 1 lieutenant, and 4 per-diem positions. The Sheriff's Department Air Support Unit has 1½ full-time equivalent deputy sheriff positions, contract pilot services, and two helicopters.*

22. In fiscal year 2007-08, the MPU received a grant of \$102,000 from the California Department of Boating and Waterways for derelict recreational vessel removal. This grant requires 10% matching funds from the County.

Response: *Agree.*

23. The Sheriff has participated, and continues to participate with state legislators, to develop maritime policing legislation.

Response: *Agree.*

24. The California Department of Motor Vehicles charges a \$20 registration fee every two years for recreational boats, but it fails to track ownership changes. After seven years of registration inactivity, the records are purged.

Response: *Agree.*

25. Abandoned vessels are often stripped of state registration numbers. This makes it impossible to identify vessel owners to charge them for removal of their property.

Response: *Agree.*

26. Based on available funds, 30 derelict recreational vessels are scheduled for removal in fiscal year 2007-08.

Response: *Agree.*

27. Submerged derelict vessels are difficult to locate, identify, and remove. The cost to remove and dispose of sunken vessels is approximately twice the cost to remove and dispose of floating abandoned vessels.

Response: *Agree.*

28. There is no County funding source for the removal of derelict commercial vessels.

Response: *Partially disagree. The County allocates 10% matching funds (\$9,325 in 2007/08) to secure the California Department of Boating and Waterway grant funding. There are no other County funds designated specifically for the removal of derelict commercial vessels.*

29. No County agencies are charged with removing garbage, debris, and junk from within the County's waterways.

Response: *Agree.*

30. The Sheriff is authorized by County ordinance to cite individuals who litter the waterways.

Response: *Agree.*

31. The MPU spends an average of 20 hours of staff time per week dealing with abandoned vessels. This represents 15% of the MPU's total staff hours.

Response: *Agree.*

32. The MPU assists other County departments and agencies by providing water transportation to help them fulfill their duties.

Response: Agree.

33. The Health Services Department's Environmental Health Division and the Building Inspection Department do not proactively address code violations on or adjacent to the County's waterways. They only respond to complaints.

Response: Partially disagree. Since the abatement of Salisbury Island in 2003, The DCD has actively pursued code violations in the Delta. As indicated in the County's response to Finding No. 6, there are 12 active code enforcement cases, including Golden Gate Island, and this list will expand as the County becomes aware of other similar situations.

RECOMMENDATIONS

The 2007-2008 Contra Costa County Grand Jury recommends that:

1. Within six months of this report, the Supervisors and the Sheriff create a joint task force to develop and present to the Supervisors a plan for the cleanup up of the County's waterways and adjoining shoreline. Task force members should include, but may not be limited to, representatives from the Office of the Sheriff and the County's Public Works, Building Inspection, and Health Services Departments.

Response: The recommendation will be implemented within six months. The Board of Supervisors will request its Transportation, Water & Infrastructure Committee (TWIC) to study this matter with input from the Office of the Sheriff, the DCD, and the Public Works and Health Services Departments.

2. The Supervisors direct the joint task force to address the following elements in its Delta cleanup plan:
 - a. The identification of state, federal, and adjoining county agencies, and representatives that are responsible for monitoring and addressing problems related to the Delta waterways, especially those involving abandoned recreational and commercial vessels, navigational hazards, and possible health and water quality issues.
 - b. The identification of all state, federal, private sector, and non-profit organization funding that might be available to allow for the more timely and efficient removal of all abandoned vessels, dilapidated buildings, pilings, junk, and debris from the water and adjacent shoreline.
 - c. An investigation of the practicality of establishing a non-profit organization to assist in fund raising efforts in support of the effort to clean-up the County's waterways and adjacent shoreline.
 - d. An investigation of the practicality of establishing a program similar to the state's "Adopt-a-Highway" effort to allow citizens and the private sector to actively and visibly support the effort to clean-up the County's waterways.

- e. An investigation of the practicality of establishing and promoting a dedicated telephone tip line to allow citizens to report abandoned vessels and aquatic dump sites that are detrimental to the County's waterways.

Response: *The recommendation will be implemented within six months. The Board of Supervisors will request the TWIC to address in its study the elements described in Recommendations 2(a)-(e), and report back to the Board with its findings and recommendations on the scope of and possible financing for a cleanup plan.*

3. The Supervisors identify the amount of general funds necessary to support the recommendations of the task force, including those that may be required to match state, federal, and private sector grants.

Response: *The recommendation will be implemented within six months. The cost to implement any recommendations of the TWIC will be identified in the report that results from the TWIC study described in the County's response to Recommendation Nos. 1 and 2.*

4. The Supervisors and the Sheriff should be proponents of legislation and actions regarding the identification and removal of both recreational and commercial derelict or abandoned vessels and other debris. They should consider advocating for an increase to the state's recreational watercraft registration fee and for a change in state law that would allow the additional revenue to be used for the abatement of abandoned commercial as well as recreational vessels.

Response: *The recommendation has not been implemented, but will be implemented in the future. The Sheriff's Department, in cooperation with the California State Sheriff's Association, has committed to propose a change in state law that would allow the existing annual funds available in the California Department of Boating and Waterways, Abandoned Watercraft Abatement Program to be used for the abatement of abandoned commercial as well as recreational vessels.*

5. The Sheriff conducts a semi-annual inventory of all abandoned vessels to provide additional evidence and documentation to support the department's requests for additional funding.

Response: *The recommendation has been implemented. The Sheriff's Department Marine Patrol Unit maintains an inventory of identified abandoned vessels that is updated semi-annually.*

National Association of Counties 2005 Achievement Award Winner

This Award is presented to

Contra Costa County, CA

for
its program

Delta Code Enforcement Program

in recognition of an innovative program
which contributes to and enhances county government in
the United States.



Angelo Kyle
President



Larry Naake
Executive Director

NACO National Association of Counties

Counties Care for America



Building 2020

Vision of the Future



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~ Director's Column ~

MULTI-COUNTY CODE ENFORCEMENT

By Carlos Baltodano

With a Coast Guard helicopter hovering above and under the watchful eyes of four different Counties Sheriff's Departments, Contra Costa County Building Inspection Code Enforcement Officers posted a substandard floating home as a public nuisance and requested its removal within fifteen days. The movie-like scene was staged in the early morning of March 1, 2007 on a parcel of land adjacent to Quimby Island in the waters of the Delta and opened a new chapter in a coordinated multi-departmental agency code enforcement action.

The floating home, a dilapidated waterborne residential unit constructed on an old barge, had toilets, sinks and a bathtub piped into a holding tank that was located in the barge's hull. The holding tank was overflowing into the bilge area of the barge's hull along with diesel fuel and other contaminants. This in turn mixed with water was infiltrating through the barge's dilapidated hull. This concoction of reeking tainted effluent was then discharged overboard by a level controlled pump directly into the Delta waters by the resident.

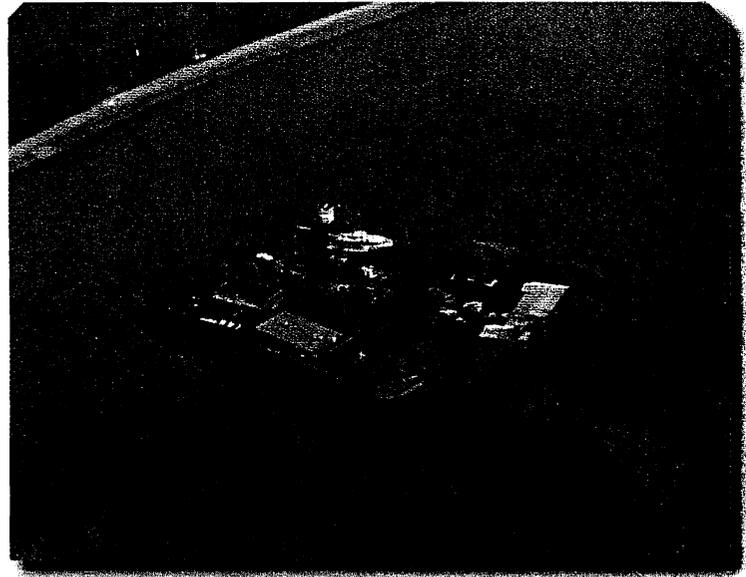
The Contra Costa County Sheriff's Office Marine Patrol was instrumental in uniting the many different governmental agencies that have jurisdiction and control of the Delta waterways. Their focus was to remove the clutter of derelict or abandoned vessels that obstruct and may also be contaminating Delta waters. Along with Contra Costa County, there were Marine Patrol officers from the counties of Solano, Sacramento and San Joaquin. Also, representatives from the San Joaquin County Building and Code Enforcement Divisions, California State Department of Fish and Game, and the United States Department of Fish and Wildlife and the United States Coast Guard joined the team.

The purpose of this coordinated code enforcement action by several different agencies in four different counties was two-fold:

First and foremost, the Delta supplies our drinking water and it needs to be protected. The Los Vaqueros Reservoir Intake Station is just down river from Quimby Island and

the intake for the California Aqueduct that supplies Southern California through Clifton Court Forebay is also nearby. The potential leakage of contaminants from abandoned derelict vessels and dilapidated floating homes into the Delta waters poses a direct threat to public safety and may also have an adverse effect on fish and other wildlife.

Second, a multi-agency and multi-county coordinated effort is needed in order to ensure that a problem abated within one County is not transferred to another County. We have already seen that the active enforcement efforts that began several years ago in Contra Costa County have caused individuals to move their dilapidated structures or vessels to other counties within the Delta.



Aerial View of barge, floating home and derelict vessels

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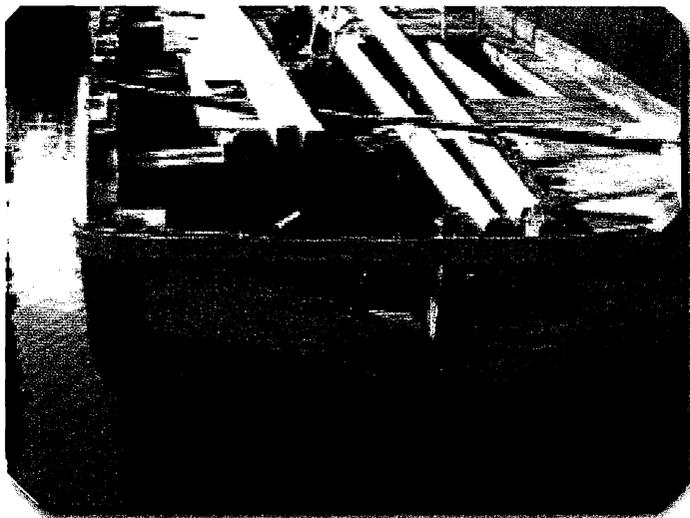
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It's much like a drug lab that has been run out of one town, only to begin operations in an adjacent town. You may get rid of the problem in one area, but if you don't change the enforcement action into a regional effort, the problem will only move and not be confronted and eliminated. A concentrated, multi-agency and multi-county effort is the only solution to ensure the protection of our Delta environment.

It has been estimated that there may be twenty to thirty islands located in the Delta within Contra Costa County. There may also be as many as two hundred islands in the Delta within Sacramento, San Joaquin, Solano, and Alameda Counties. Many of these islands are uninhabited, but on some there are people living in un-permitted structures without proper sewage disposal systems, safe potable water sources or zoning approvals. Contra Costa County has been very active in cleaning up the Delta of these unregulated and illegal structures. On one such island, Salisbury had thirty nine illegal, substandard units removed. Still under appeal, abatement on another island, Golden Isle, may soon begin. Contra Costa County along with the Sheriffs Office is currently investigating other islands to identify possible illegal structures. Where such structures are found attached to or located on the land, the County Code Enforcement Officers will investigate and where vessels or other structures are located in the waters, the Sheriff's Office will take action.

Conditions like the ones found in Quimbly Island not only created an eyesore but also a potential health hazard. While the conditions found on this island are extreme, it is unfortunately a story that is repeated too often throughout some of these islands located in the Delta.

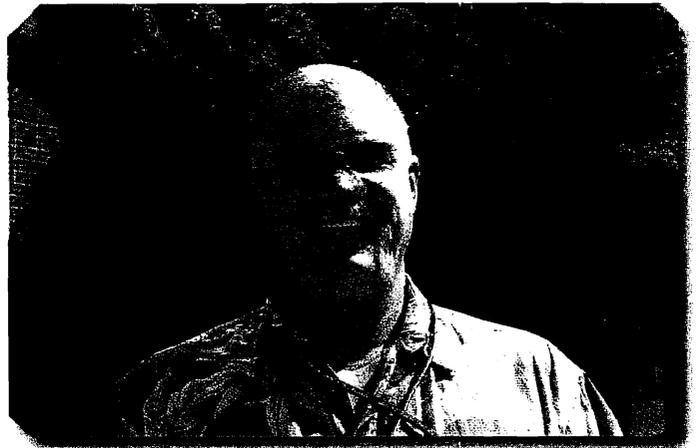
As I end this column, I have some good news and some bad news. The good news is that the leaky barge and floating home has been removed from Contra Costa County. The bad news is that unfortunately, it moved to an adjacent county where their enforcement team has already begun action. Much more coordinative work needs to be done. Over time the message will become clearer; "Contamination of the Delta waters with unregulated and unpermitted structures is not allowed anywhere in the Delta."



Derelict vessel

CUSTOMER SERVICE AWARD

BY LAURA GLASS



The Department Director, Carlos Baltodano, has selected Larry Tolson, Building Inspection I, as the recipient of the Customer Service Award for the first quarter of 2007.

Larry Tolson is being identified for the Customer Service Award for his willingness to serve customers however and wherever required. For the past two years Larry has served the Department well in a variety of challenging circumstances. He performed admirably, in the Neighborhood Preservation Program. His firm but patient customer service style has been conducive to his ability to meet program goals on some very difficult cases. His ability to gain cooperation and meet program goals was tested on a case in Kensington and he did very well. Throughout his tenure in the Neighborhood Preservation Program he has been able to utilize subtle persuasion to achieve program goals. His non-combative style earned him kudos from his "clients". He has been flexible and has performed every responsibility requested of him by the Department. He has cheerfully performed his responsibilities and earned the respect of his colleagues.

Larry served on the Department's Food Drive committee and was instrumental in getting local merchants to donate items for the Department's raffle. His efforts contributed to the Department coming second in the County's Food Drive competition.

As a result of this selection, Larry will receive a gift, and lunch with the Director. In addition, his picture will be displayed in the lobby. Please join me in congratulating Larry on his selection as recipient for this quarter's Customer Service Award.

BELIEVE IT (?) OR NOT!

When the White House was constructed it was built of freestone a form of sandstone that is very porous and is highly susceptible to water damage, so the masons sealed the stone with a wash of salt, rice and glue. It was the building's first coat of white paint; soon it would be nicknamed the 'White House'.