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August 9, 2016

Honorable John T. Laettner  
Contra Costa County Civil Grand Jury  
725 Court Street  
P.O. Box 431  
Martinez, CA 94553-0091

**Re: Responses to Contra Costa County Grand Jury Report No. 1607, "Delta Levees in Contra Costa County"**

Judge Laettner:

Pursuant to California Penal Code Section 933.05, this letter responds to Contra Costa County Grand Jury Report No. 1607, "Delta Levees in Contra Costa County – How Well do We Protect this Vital Safety System?" This response was reviewed and authorized by the City Council at the August 9, 2016 City Council Meeting.

**GRAND JURY FINDINGS**

**Finding #1:** The portion of the Delta that lies within Contra Costa County includes six of the eight western islands, deemed by the State to be of particular importance to preventing seawater intrusion that would impair the quality of water for nearly two-thirds of the State, including much of the East Bay area.

**Response:** Oakley agrees with Finding #1.

**Finding #2:** Loss (i.e. submersion) of any of the six islands in the Delta within Contra Costa County has potential to affect adversely much more than just Contra Costa County.

**Response:** Oakley partially agrees with Finding #2.

**Finding #3:** Key infrastructure located within Contra Costa County reclamation districts benefits the entire County, including major County roads and highways, rail-line, PG&E power transmission lines, natural gas wells, petroleum pipelines, Contra Costa Water District intakes, pumping stations, and portions of both the Contra Costa Canal and EBMUD's Mokelumne aqueduct.

*Response:* Oakley agrees with Finding #3.

**Finding #19:** It takes nearly 2 years from the application date for reclamation districts to receive reimbursement for levee maintenance work approved by DWR under the Subventions Program.

*Response:* Oakley is not privy to the evidence leading to this finding and can neither agree nor disagree with Finding #19.

**Finding #20:** The cost of the initial funding required of reclamation districts under DWR's Subventions Program can be prohibitive for some reclamation districts, resulting in under-utilization of this highly beneficial program.

*Response:* Oakley is not privy to the evidence leading to this finding and can neither agree nor disagree.

**Finding #22:** Planning agencies can require developers who seek to develop areas within reclamation districts to financially contribute to exiting levees as a condition of approval of their proposed developments, as was done with the East Cypress Corridor Plan for residential development in the interior of Hotchkiss Tract, Reclamation District 799.

*Response:* Oakley agrees with Finding #22, and the Oakley City Council required this financial participation of developers through its approval of the East Cypress Corridor Specific Plan.

## **CIVIL GRAND JURY RECOMMENDATIONS**

**Recommendation #9:** The Oakley City Council should direct the Oakley Planning Commission to provide each applicant for new construction or major remodeling with a reclamation district in the City of Oakley with a brochure or direction to an online website explaining levee safety rules and regulations, along with reasons for same, applicable to their particular reclamation district

and to require that each applicant confirm receipt of the brochure or link to website by initialing.

**Response:** This recommendation will be implemented in a modified manner. It would actually be the City's Building Division that would interface with each applicant as described in the Recommendation, and the Building Division could certainly direct those applicants to a website or other information regarding levee safety. We do believe the reclamation districts are best positioned to prepare this information and to host it on the districts' websites. This recommendation will be implemented when the City is advised that such information has been prepared.

**Recommendation #11:** The City of Oakley should consider following the precedent established by the East Cypress Corridor Project and conditioning approval of proposals for new residential or commercial development, where proposed on Oakley's annexed land in a reclamation district, on financial support of the existing levees.

**Response:** This recommendation will be implemented.

Again, we thank you for the opportunity to respond to the Grand Jury's recent Report No. 1607. If you have any questions or need any assistance, please contact me directly at (925) 625-7025 or at [montgomery@ci.oakley.ca.us](mailto:montgomery@ci.oakley.ca.us).

Respectfully submitted,



Bryan H. Montgomery  
City Manager

cc: City Council