

**CITY COUNCIL MEETING
TUESDAY, MARCH 1, 2016**

DOCUMENTS RECEIVED AFTER PUBLISHED AGENDA

HAYWARD TENNYSON, LLC
RICHARD C. ERSTED

VIA EMAIL

March 1, 2016

Mayor Barbara Halliday; Mayor Pro Tempore Al Mendall; City Council Members Francisco Zermeño, Marvin Peixoto, Greg Jones, Sara Lamnin, and Elisa Márquez
City of Hayward

Re: 1 March 2016 City Council Meeting
Item PH 16-012: Public Hearing – Formation of Hayward Geologic Hazard Abatement District

Subject: Comments

Mayor Halliday; Mayor Pro Tempore Mendall; and Council Members Zermeño, Peixoto, Jones, Lamnin, and Márquez

Hayward Tennyson, LLC (Hayward Tennyson) is writing in support of the proposed formation of the Hayward Geologic Hazard Abatement District (GHAD) required pursuant to Section 4.5 of the Development Agreement by and between La Vista, LP and the City of Hayward. As you know, such Section states in part:

“City will cooperate with Owner and take such additional actions as may be reasonably requested by Owner to implement this Agreement, including but not limited to, formation of a Geologic Hazard Abatement District (“GHAD”) necessary to maintain and, if necessary, repair the lands within Parcel A as shown on the Vesting Tentative Tract Map ...”

Since September 25, 2015, La Vista, LP (La Vista), EnGeo and Hayward Tennyson have worked together to review and, where necessary, add to or revise the Plan of Control, the GHAD’s governing document drafted pursuant to State of California Public Resources Code Section 26509 et seq. Such added text and revisions more particularly reflect the La Vista Improvement Plans approved by the City on August 10, 2015, negotiations between La Vista and Hayward Tennyson regarding the granting of certain easements and fee title necessary for the construction of Tennyson Road or the La Vista development, and other related details. Hayward Tennyson acknowledges and understands the City Council will consider, as confirmed in item 4 in the proposed Council Resolution approving the formation of the GHAD, approval of the Plan of Control during a separate, subsequent GHAD Board meeting. Two minor changes, each shown in the

city_council_ghad.2016 mar 1.v1.docx | 03/01/16 1:30 PM

C/O INDUSTRIAL REALTY COMPANY OF CALIFORNIA
1091 INDUSTRIAL ROAD, SUITE 101, SAN CARLOS, CALIFORNIA 94070-4118
(650) 592-5425 [VOICE] ♦ (650) 592-5488 [FAX] ♦ www.ircoc.com

City of Hayward
City Council
March 1, 2016
Page 2

attached redline version of the Plan of Control, were suggested by Hayward Tennyson last Wednesday and approved by La Vista the following day and by EnGeo yesterday.

As you know, the La Vista Final Map, La Vista Vesting Tentative Map Conditions of Approval and La Vista Improvement Plans obligate La Vista to extend Tennyson Road, a municipal street with an existing easterly terminus at or near Mission Boulevard, and commence and complete the construction of certain related improvements — including, but not limited to, utility services — under, on, or about the Tennyson Road Extension. To do so requires temporary easements over certain land owned by Hayward Tennyson, a permanent easement over a portion thereof and fee title over a separate portion thereof. As a result, Hayward Tennyson and La Vista have been working together since August 2008. Hayward Tennyson sincerely appreciates the hard work and diligence of La Vista and City staff during and throughout this process.

Thank you very much for your attention to the foregoing.

Sincerely,
HAYWARD TENNYSON, LLC

Richard C. Ersted
Managing Member

Cc(w/enclosure): David Rizk, Development Services Director via email

Enclosure

that establishes the individual property owners' GHAD assessment limit based on the projected expenses (budget) of the GHAD.

6. Prior to conveyance of the GHAD Parcels to the GHAD, the Developer shall record a Declaration of Restrictive Covenants, Right of Entry and Disclosures Regarding Geologic Hazard Abatement District ("Declaration") previously approved by the GHAD.

As part of the transfer, the Developer of the GHAD Parcel(s) to be transferred will provide the GHAD, for its use, copies of the applicable geotechnical exploration reports, as-built grading plans, as-built corrective grading plans, as-built improvement plans, as-built subdrain plans or other pertinent documents as requested by the GHAD.

7.0 HAYWARD GHAD MAINTENANCE AND MONITORING RESPONSIBILITIES

Several entities shall have ownership and maintenance duties of common space within the La Vista development. Other than the GHAD, these entities include a Homeowner's Association ("HOA"), a Landscape, Lighting, and Irrigation District ("LLID"), the City of Hayward ("City"), and the Hayward Area Recreation District ("HARD"). ~~Landscaping and irrigation within a 100-foot wide fire break in open space and adjacent to the residential units shall be maintained by the LLID.~~ A Facility Maintenance Exhibit (FME) delineating ownership and maintenance responsibilities is presented in Appendix A, Figure 1. ~~Landscaping and irrigation within a 100-foot-wide fire break in open space and adjacent to the residential units shall be maintained by the LLID; provided, however, the GHAD shall, given the lack of landscaping and irrigation on Easement "M" and as shown on the FME, maintain those portions of Easement "M" falling within 100-feet of the Tract 7620 residential units.~~

The GHAD will assume monitoring and maintenance responsibilities for the following site facilities and activities ("GHAD Activities"):

- General maintenance of the surface drainage improvements within the GHAD Boundary and Easements "M" and "TBD", such as the concrete V-ditches. The GHAD is also responsible for general maintenance of storm drain inlets and outlets in open space, subdrain outlets, and risers. Inspection and maintenance of concrete-lined drainage ditches.
- Monitoring and maintenance of measurement devices, such as piezometers, inclinometers, and tiltmeters, if any.
- Maintenance of existing property line/boundary fencing.
- Inspection and maintenance of surface water quality treatment, water quality pond, and detention basins within La Vista.
- Retaining wall east of Alquire Parkway at the northwest corner of the Moita property.

- Maintenance of two CDS water quality treatment units along Tennyson Road.
- Maintenance roads associated with the water quality pond and the detention basins.
- Maintenance roads/trails over public water mains on the GHAD Parcels.
- Debris benches and walls.
- Subdrains, including, but not limited to, those shown on Appendix A, Figure 3.
- Storm drain inlets, outfalls and pipelines within the GHAD Parcels and a portion of the public park area as shown on Appendix A, Figure 1.
- Maintenance including trails (other than City-owned public trails) within the GHAD Parcels.
- Slopes including Hayward Concentrated Fault Zone.
- Vegetation control for fire suppression.
- Maintenance of slopes including subdrains and surface drainage within Easements "M" and "TBD".

As listed above, the GHAD will monitor and maintain slopes and drainage facilities within Easements "M" and "TBD" (Appendix B, Exhibit A). Although this area is outside the GHAD Boundary, the maintenance of these slopes (including vegetation management for erosion control) is necessary to reduce the potential for uncontrolled stormwater infiltration, erosion, and other potential geologic hazards that could affect properties and Site Improvements within the GHAD Boundary and, therefore, will be protective of facilities within the GHAD Boundary. Prior to the GHAD providing monitoring and maintenance for the slopes and drainage facilities within Easements "M" and "TBD", Developer must transfer and assign its rights, duties, obligations and burdens under Easements "M" and "TBD" to the GHAD and the GHAD must be the beneficiary of a permanent easement by Hayward Tennyson, LLC acceptable to the GHAD Easements "M" and "TBD". The GHAD is not responsible for installation, maintenance, or repair of any landscape or landscape related irrigation improvements within Easements "M" and "TBD". In addition, the GHAD is not responsible for maintenance of other areas or improvements within Assessor's Parcel Number 78C-461-1-13.

7.1 GEOTECHNICAL TECHNIQUES FOR MITIGATION OF LANDSLIDE AND EROSION HAZARDS

The techniques which may be employed by the GHAD to prevent, mitigate, abate, or control geologic hazards include, but are not limited to, the following.

HAYWARD TENNYSON, LLC
RICHARD C. ERSTED

VIA EMAIL

March 1, 2016

Mayor Barbara Halliday; Mayor Pro Tempore Al Mendall; City Council Members Francisco Zermeño,
Marvin Peixoto, Greg Jones, Sara Lamnin, and Elisa Márquez
City of Hayward

Re: 1 March 2016 City Council Meeting
Item PH 16-016: Public Hearing – Amendment of the La Vista Project Development
Agreement

Subject: In Support

Mayor Halliday; Mayor Pro Tempore Mendall; and Council Members Zermeño, Peixoto, Jones,
Lamnin, and Márquez

Hayward Tennyson, LLC (Hayward Tennyson) is writing in support of the proposed five (5) year extension of the La Vista Development Agreement by and between La Vista, LP and the City of Hayward. As you know, Hayward Tennyson owns County of Alameda Assessor's Parcel Number 78C-461-1-13, a parcel which adjoins the proposed La Vista development.

Thank you very much for your attention to the foregoing.

Sincerely,
~~HAYWARD TENNYSON, LLC~~

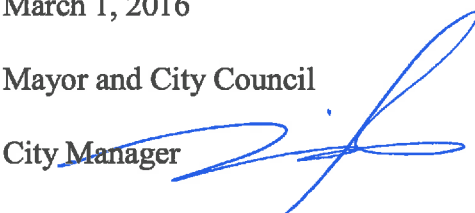
Richard C. Ersted
Managing Member

Cc: David Rizk, Development Services Director via email



CITY OF
HAYWARD
HEART OF THE BAY

MEMORANDUM

DATE: March 1, 2016
TO: Mayor and City Council
FROM: City Manager 
SUBJECT: Revised Language and Resolution for Council Item LB 16-022 – Adoption of a Resolution Placing Renewal of the Utility User Tax (UUT) on the June Ballot

Mayor and Council, the incorrect version of the suggested ballot language for the renewal of the Utility Users Tax was inadvertently attached to and incorporated into the Council report for tonight: it had too many words in it. Staff and our communication consultants have reworked the language and the recommended ballot measure language is as follows, and has been incorporated into the attached revised Resolution.

Please excuse the error in light of a very fast-moving and fluid process. Thank you.

City of Hayward

2016 UUT Renewal Measure / Election Day: June 7, 2016

BALLOT STATEMENT

“To maintain City of Hayward services including: neighborhood police patrols, fire stations/911, firefighter, paramedic response times; preserving youth/anti-gang programs; emergency/disaster preparedness; city streets, sidewalks and lighting; shall the City of Hayward renew the existing Utility Users Tax at the current 5.5 percent rate on gas, electricity, video, telecommunications services, providing \$16 million annually for 20 years from the current end date, with exemptions for low-income lifeline users; and all money used for City of Hayward services?”

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION OF THE CITY OF HAYWARD ESTABLISHING JUNE 7, 2016, AS THE DATE FOR AN ELECTION ON A PROPOSED BALLOT MEASURE SEEKING VOTER APPROVAL RELATING TO THE RENEWAL OF THE UTILITY USERS TAX FOR TWENTY YEARS AND REQUESTING THE BOARD OF SUPERVISORS OF ALAMEDA COUNTY TO CONSOLIDATE SAID ELECTION WITH THE PRESIDENTIAL DIRECT PRIMARY ELECTION; AND AUTHORIZING CERTAIN OTHER ELECTION ACTIVITIES

WHEREAS, the voters of the City of Hayward approved a 5.5% Utility Users Tax (UUT) in May 2009; and

WHEREAS, the current UUT will expire on June 30, 2019; and

WHEREAS, at its March 1, 2016 meeting, the City Council recognized the need to renew the UUT to maintain and preserve the level of services the residents of the City expect; and

WHEREAS, at that meeting, the City Council concluded that all of the information presented indicated that, to maintain and preserve current essential service levels, the Council should call an election to ask the voters of the City to approve a twenty-year renewal of the UUT, the revenue from which would be used to support general municipal services; and

WHEREAS, on the basis of the forgoing, the City Council determined that it is appropriate to submit a ballot measure regarding a twenty-year renewal of the UUT to the voters of the City of Hayward for their approval and adoption at the general municipal election to be held in the City on June 7, 2016; and

WHEREAS, the Hayward City Council is authorized by California Elections Code Section 9222 to place such measure before the voters; and

WHEREAS, Elections Code Sections 9281 through 9287 set forth the procedures for arguments in favor of and in opposition to any City ballot measure; and

WHEREAS, June 7, 2016 is the date of the City's general municipal election to be consolidated with the Presidential Primary Election and it is desirable that the election on the City's ballot measure be consolidated with the Presidential Primary Election to be held on

the same date; that within the City, the precincts, polling places and election officers of the two elections be the same, and that the Alameda County Department of Elections canvass the returns of the consolidated election and that the election be held in all respects as if there were only one election; and

WHEREAS, based on all the information presented at the March 1, 2016 meeting, both written and oral, including the staff reports, minutes, and other relevant materials, the City Council finds that under CEQA Guidelines 15060(c)(2) and 15378, subdivisions (2) and (4) of subdivision (b), this tax does not constitute a project under CEQA and therefore review under CEQA is not required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward takes the following actions:

1. Recitals. The foregoing recitals are true and correct and are hereby incorporated by reference.
2. Call Election: Placement of Measure on the Ballot. Pursuant to California Constitution Article XIIC, Section 2; Government Code Section 53724; and Elections Code Section 9222, the City Council of the City of Hayward hereby calls an election at which it shall submit to the qualified voters for the City, a measure that, if approved, would adopt a 20 year renewal of the 5.5% Utility Users Tax or until June 30, 2039. This measure shall be designated by letter by the Alameda County Registrar of Voters. Pursuant to Election Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on June 7, 2016.
3. Ballot Language. The question to be presented to the voters is as follows:

To maintain City of Hayward services including: neighborhood police patrols, fire stations/911, firefighter, paramedic response times; preserving youth/anti-gang programs; emergency/disaster preparedness; city streets, sidewalks and lighting; shall the City of Hayward renew the existing Utility Users Tax at the current rate of 5.5 percent on gas, electricity, video, telecommunications services, providing \$16 million annually for 20 years from the current end date, with exemptions for low-income lifeline users; and all money used for City of Hayward services?	YES
	NO

4. Proposed Ordinance. The ordinance authorizing the general tax to be approved by the voters pursuant to Sections 2 and 3 of the Resolution is as set forth in Exhibit A hereto. The City Council hereby approves the ordinance, the form thereof, and its submission to the voters of the City at the June 7, 2016 election, as required by Revenue and Taxation Code Section 7285.9, subject to the approval of a majority of the voters voting on the measure at the election called

by the adoption of this resolution. The entire text of the ordinance, attached hereto as Exhibit A, shall be included in the voters pamphlet. The ordinance specifies that the rate of the Utility Users Tax shall be at the rate of five and one half percent (5.5%) of the gross receipts made for gas, electricity, video, and telecommunication services and shall be collected from the service user by the services supplier/provider.

5. Publication of Measure. The City Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the City of Hayward, in accordance with Section 12111 of Elections Code and Section 6061 of the Government Code.
6. Request to Consolidate and Conduct Election and Canvass Returns.
 - a. Pursuant to the requirement of Section 1403 of the Elections Code, the Board of Supervisors of the County of Alameda is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Presidential Primary Election on Tuesday June 7, 2016, for the purpose of placing the measure set forth in Sections 3 and 4 on the ballot.
 - b. The County of Alameda Registrar of Voters is authorized to canvass the returns of the municipal election. The Election shall be held in all respect as if there were only one election, and only one form of ballot shall be used.
 - c. The Board of Supervisors is requested to issue instructions to the Alameda County Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.
 - d. The City of Hayward recognizes that additional costs will be incurred by the County of Alameda by reason of this consolidation and agrees to reimburse the County for any costs.
7. Submission of Ballot Argument and Impartial Analysis.
 - a. The last day for submission of direct arguments for or against the measure shall be by 5:00PM on March 8, 2016.
 - b. Direct arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
 - c. The last day for submission of rebuttal arguments for or against the measure shall be by 5:00PM on March 18, 2016. Rebuttal arguments shall not exceed 250 words and shall be signed by not more than five persons.
 - d. The City Attorney and City Clerk are hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the June 7, 2016 election and appropriate all monies necessary, consistent with the law.
8. Effective Date. This Resolution shall become effective immediately upon its adoption and the City Clerk is directed to send certified copies of the Resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.
9. CEQA. The approval of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.*, "CEQA," and

14 Cal. Code Reg. §§ 15000 *et seq.*, "CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines section 15060, review under CEQA is not required.

IN COUNCIL, HAYWARD, CALIFORNIA March 1, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**CITY COUNCIL MEETING
TUESDAY, MARCH 1, 2016**

DOCUMENTS RECEIVED AT MEETING



BECOME A CITIZEN

Do You Need Help Applying for Citizenship?

Attend an iAmerica workshop for FREE assistance with citizenship applications.

SPACE IS LIMITED.

Assistance is by appointment only. **Call (888) 839-8682** to schedule your **FREE 30 minute appointment**

When: Saturday, March 5, 2016 9am-4pm

Where: Glad Tidings Church -North Campus

27689 Tyrrell Ave. Hayward, CA 94544

HIGHLIGHTS:

- **FREE FOOD**
- *Presentation on how we can protect ourselves from immigration consultant fraud and wage theft.*
- *Centro Legal de la Raza will be hosting DACA workshop and general immigration screenings.*
- *California Applicants' Attorneys Association's (CAAA's) Latino Caucus workers' compensation presentation.*

STATEWIDE SPONSORS:



LOCAL SPONSORS:

Alameda Labor Council • Office of Supervisor Richard Valle • Office of Assemblymember Bill Quirk • Congressman Eric Swalwell • Hayward Councilmember Elisa Márquez • Hayward Councilmember Francisco Zermeño • Hayward Councilmember Sara Lamnin • Alameda County Social Services • California Applicants' Attorney Association(CAAA) Latino Caucus • Catholic Charities of the East Bay • Centro Legal De La Raza • East Bay Naturalization Collaborative • Hayward Day Labor Center • La Familia • SEIU 1021 • SEIU 2015 • SEIU UHW • Unite Here 2850

For more info please contact Rosa Advincula, CSD at 510-632-4242 ext. 106 or rosa@alamedalabor.org

- Public Record
- You tube: Why in the world are they spraying?

 Subscribe

		<input type="checkbox"/>
Email Address		<input type="button" value="SUBMIT"/>
<input type="text"/>		

January 17, 2012

Look Up: The New Age of Inoculation Is Aerial Vaccines and Nano Delivery Systems

As the masses enjoy a steady awakening regarding the dangers and fraud that are vaccinations, the use of aerial vaccines and nano delivery systems are now being utilized and fully implemented by governments with little regard or consequence to human health.



Geoengineering initiatives (commonly referred to as chemtrails) are no longer considered discreet military operations, and are finally admitted by governments. Aerial vaccines and nano delivery systems are one of many geoengineering projects.

The use of aerial manned and unmanned vehicles for the aerial spraying under State and Federal mandates for vector control began under the Geneva Act for Chemical and Biological Weapons in 1949. Over the years since its inception many amendments to this act and US parallel acts such as the Patriot Act of 2001, Space Preservation Act of 2001 and Weather Modification Research and Technology Act of 2005 have included the following implementations under terrorist and riot control for aerial spraying of the mass population in selective city locations:

- Weather Modification.
- Vector Control (insects, virus, and other similar vectors).

- Mass Inoculations of the Public.

Aerial vaccines are also directed towards animals by the use of plastic packets dropped by planes or helicopters. Sanofi (who is one of the largest vaccine manufacturers in the world) has subsidiary companies such as Merial Limited who manufacture Raboral, an oral live-virus poisonous to humans yet distributed wildlife in the masses. "In the United States, more than 12 million doses of RABORAL V-RG vaccine are used each year. Since the first use of RABORAL V-RG in the late 1980's, more than 100 million doses have been distributed around the world." At the beginning of the year, a KVUE news report indicated that the Texas Department of State Health Services would initiate an aerial vaccine drop of 1.8 million doses in January alone. Raboral V-RG is a poison because according to the material safety data sheet its ingestion, parenteral inoculation, droplet or aerosol exposure to mucous membranes or on broken skin is considered a health hazard exposed to infectious fluids or tissues.

In August 2009, during a similar autumn Raboral V-RG baiting campaign in western Pennsylvania, a woman aged 35 years who was taking immunosuppressive medication for inflammatory bowel disease contacted the Pennsylvania Department of Health (PADOH) after handling a ruptured bait, which had leaked liquid rabies vaccine onto a patch of abraded skin on her right hand. The patient subsequently developed vaccinia virus infection and was treated with human vaccinia immune globulin intravenous (VIGIV) and an investigational antiviral agent.

Testing performed at CDC confirmed the presence of vaccinia virus DNA and rabies virus G protein DNA in papule material and serologic evidence of rabies virus neutralizing antibodies. On day 6 of the infection, the papules had increased in number and size, and the patient was hospitalized. On day 9, she had 26 classic vaccinia virus lesions, including one on a site on her right arm that might not have been in contact with the vaccine initially. On day 11, she experienced myalgia and headache; she had pronounced redness and edema in her right hand, accompanied by right axillary adenopathy.

A Greater Perspective on Aerial Spraying

The Defense Sciences Office of the Pathogen Countermeasures Program, in September 23, 1998 funded the University of Michigan's principal investigator, Dr. James Baker, Jr. Dr. Baker, Director of Michigan Nanotechnology Institute for Medicine and Biological Sciences under several DARPA grants. Dr. Baker developed and focused on preventing pathogens from entering the human body, which is a major goal in the development of counter measures to Biological Warfare. This research project sought to develop a composite material that will serve as a pathogen avoidance barrier and post-exposure therapeutic agent to be applied in a topical manner to the skin and mucous membranes. The composite is modeled after the immune system in that it involves redundant, non-specific and specific forms of pathogen defense and inactivation. This composite material is now utilized in many nasal vaccines and vector control through the use of hydro-gel, nanosilicon gels and actuator materials in

vaccines.

Through Dr. Baker's research at the University of Michigan; he developed dendritic polymers and their application to medical and biological science. He co-developed a new vector system for gene transfer using synthetic polymers. These studies have produced striking results and have the potential to change the basis of gene transfer therapy. Dendrimers are nanometer-sized water soluble polymers that can conjugate to peptides or carbohydrates to act as decoy molecules to inhibit the binding of toxins and viruses to cells. They can act also as complex and stabilize genetic material for prolonged periods of time, as in a "time released or delayed gene transfer". Through Dr. Baker's ground breaking research many pharmaceutical and biological pesticide manufacturers can use these principles in DNA vaccines specific applications that incorporate the Simian Monkey Virus SV40.

WEST NILE VIRUS SPRAYING

In 2006 Michael Greenwood wrote an article for the Yale School of Public Health entitled, "Aerial Spraying Effectively Reduces Incidence of West Nile Virus (WNV) in Humans." The article stated that the incidence of human West Nile virus cases can be significantly reduced through large scale aerial spraying that targets adult mosquitoes, according to research by the Yale School of Public Health and the California Department of Public Health.

Under the mandate for aerial spraying for specific vectors that pose a threat to human health, aerial vaccines known as DNA Vaccine Enhancements and Recombinant Vaccine against WNV may be tested or used to "protect" the people from vector infection exposures. DNA vaccine enhancements specifically use Epstein-Barr viral capsid's with multi human complement class II activators to neutralize antibodies. The recombinant vaccines against WNV use Rabbit Beta-globulin or the poly (A) signal of the SV40 virus. In early studies of DNA vaccines it was found that the negative result studies would go into the category of future developmental research projects in gene therapy. During the studies of poly (A) signaling of the SV40 for WNV vaccines, it was observed that WNV will lie dormant in individuals who were exposed to chicken pox, thus upon exposure to WNV aerial vaccines the potential for the release of chicken pox virus would cause a greater risk to having adult onset Shingles.

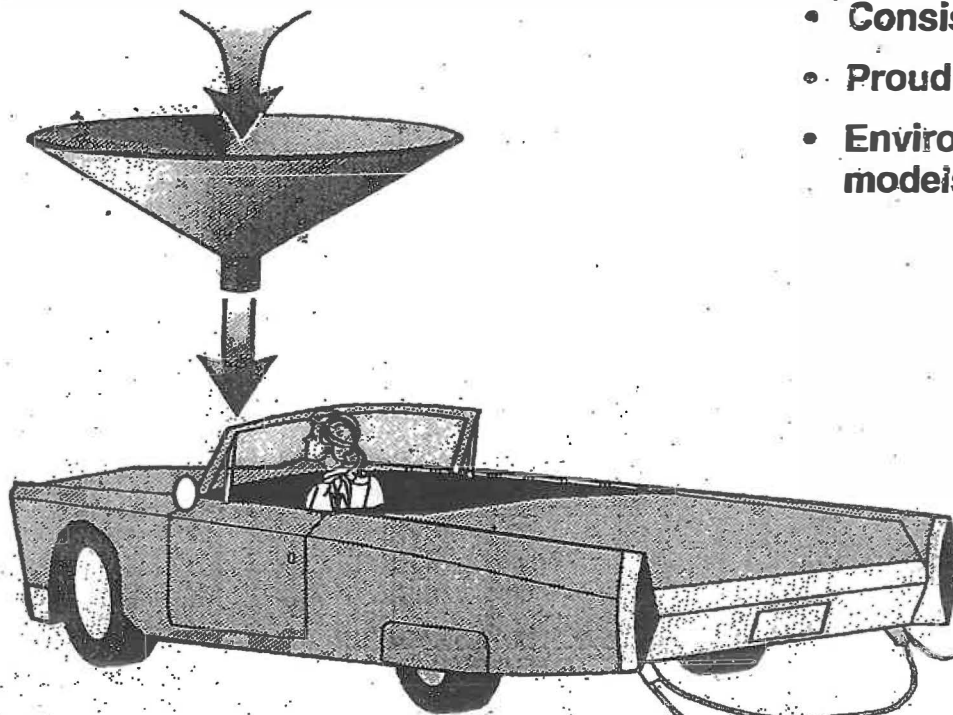
CALIFORNIA AERIAL SPRAYING for WNV and SV40

In February 2009 to present date, aerial spraying for the WNV occurred in major cities within the State of California. During spraying of Anaheim, CA a Caucasian female (age 50) was exposed to heavy spraying, while doing her daily exercise of walking several miles. Heavy helicopter activity occurred for several days in this area. After spraying, she experienced light headedness, nausea, muscle aches and increased low back pain. She was evaluated for toxicological mechanisms that were associated with pesticide exposure due to aerial spraying utilizing advanced biological monitoring testing. The test results which included protein band testing utilizing Protein Coupled Response (PCR) methods were positive for KD-45. KD-45 is the protein band for SV-40 Simian Green Monkey virus. Additional tests were performed for Epstein-Barr virus capsid and Cytomeglia virus which are used in bioengineering for gene



CAPP TQM/enhanced PICA Program

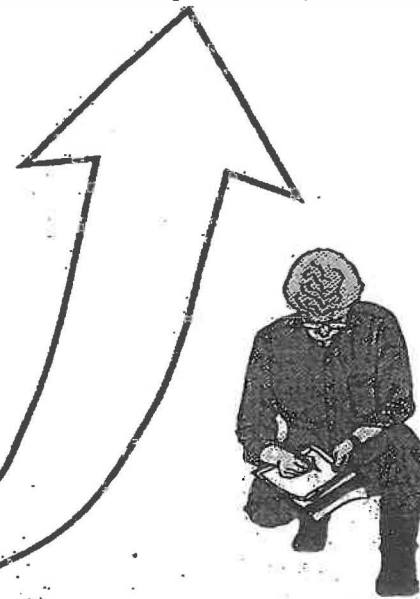
Responsible Quality Management



Outcome

Responsible State Government Management will result in:

- Effective government
- Consistent and effective consumer service
- Proud professional repair industry
- Environmental impact superior to the models





Clean Air Performance Professionals

Monday, February 29, 2016
Ms. Alexis Podesta, Acting Secretary
Business, Consumer Services and Housing Agency
915 Capitol Mall 350 A
Sacramento, California 95814
(916-653-4090 / 3815.fax

RE: Health and Safety Article 6, Public information program 44070

Dear Acting Secretary Podesta,

Congratulations for the Appointment to serve the Governor in such a big way.

DCA / BAR Engineering is considering an interesting addition of the car emissions label information in the Smog Check Test data.

Also an addition of a flag to notice of a previous test fail result at another location in the previous 60 days.

Thank You for your interest in this consumer information program.

Clean Air Performance Professionals, an award winning coalition of motorists.

Charlie Peters

cc: interested parties

CAPP contact: Charlie Peters



Clean Air Performance Professionals

January 16, 2016

Department of Consumer Affairs
DCA Director
Awet Kidane
1625 N. Market Blvd.
Sacramento, CA 95834
Awet.kidane@dca.ca.gov
(916) 574-8200 / fax: 8613
Lerae Quintana Director's Assistant
michelle.milke@dca.ca.gov

RE: Health and Safety Article 6, Public information program 44070

Dear Michelle Milke,

DCA/BAR engineering is considering an interesting addition of car label information for Smog Check that can improve consumer, BAR-ARB, data.

Also add a flag that will notify of a previous fail at another location in the last 60 days

Thank you for your interest in the public information program.

Clean Air Performance Professionals, an award winning coalition of motorists

Charlie Peters

cc: interested parties

CAPP contact: Charlie Peters

Acting Secretary of the Business, Consumer Services and Housing Agency

Alexis Podesta is the Acting Secretary of the Business, Consumer Services and Housing Agency. She was appointed Undersecretary in June 2015 and became Acting Secretary November 11, 2015. Ms. Podesta oversees departments charged with funding affordable housing, civil rights enforcement, banking and financial transactions, consumer protection, and the licensing of three-million working professionals.

Prior to coming to the Agency, Ms. Podesta served as the Director of External and International Affairs for the office of Governor Edmund G. "Jerry" Brown. As Director of External & International Affairs she led outreach, communication and partnerships with

stakeholder groups, as well as provided key support for the Governor's special projects. Additionally, Ms. Podesta was the lead on international affairs and served as the Chief of Protocol. Prior to joining the Brown Administration she worked for Pacific Gas & Electric in Sacramento as the Special Assistant to Senior Vice President Nancy McFadden. Before joining PG&E Ms. Podesta spent nearly a decade in Washington, DC, working first as the Director of Scheduling for US Senator Dianne Feinstein of California, and then as the Manager of Government Relations for The Walt Disney Company. She has a Bachelor's Degree from George Washington University.

<http://www.bcsh.ca.gov/about/podesta.shtml>

Trump Loves GMO Corn Mandate

CAPP contact: Charlie Peters

Smog shops have vested interest in clean air

After reading the three-part series "Consumer Nightmare?" by Steven Church (March 17-19), I find it amazing that more Californians are not aware of what is really happening with the state's Smog Check program.

For the past five years, a poor economy has plagued California. The money-starved California government and regulatory agencies have found their pot of gold at the end of the rainbow via the Smog Check program.

Financial relief for the poor economy will be generated by contracts such as the smog-testing contract signed with the Parsons Co. (via Engineering Science) and Envirotec.

The Environmental Protection Agency's demands for clean air (through the 1990 Clean Air Act amendments) will generate the largest tax increase in history. Behind the effort is Dr. Don Stedman, patent-holder of the remote sensing technology to detect "gross polluters," the state's worst-polluting vehicles. Stedman works out of the University of Denver.

A long list of international government and big-business interests, led by the federal EPA, have provided funding for Stedman's work.

Pollution credit trading is at the core of this money tree.

Numerous buy-back programs project that 50,000 cars a day will be scrapped to meet the state's clean-air standards, generating approximately \$1,000 a car. This moves money from small businesses and the public to government and big business.

Parsons (Engineering Science) is also the referee for Smog Check II, the latest rendition of

Smog Check, and Envirotec is the quality auditing service that takes all the information from the smog-testing equipment in California. These two international companies are providing govern-

ment and big business the opportunity for increased revenue.



Remote sensing studies by California and Arizona are reported to "false-fail" more than 50 percent of identified cars. State test stations in Colorado are reported by some to have false-failures in excess of 50 percent.

So, the question is: Are clean-air mandates about clean air — or money?

If the goal of scrapping 50,000 vehicles per day is met, the incentives to provide privatized rapid transit may be next. An additional party to this tax increase strategy, some say, will be privatizing roads and charging for parking. This will help with incentives to make privatized rapid transit economically feasible.

Is the American love affair

The question is: Are clean-air mandates about clean air — or money? If the goal of scrapping 50,000 vehicles per day is met, the incentives to provide privatized rapid transit may be next. Is the American love affair with the automobile at risk?

with the automobile at risk because of funding demands of government and big business's desire for profits (and thus, its partnership with government)?

These policies are being questioned by an expanding group, including academics from state universities and many groups across the country.

Money and power generated from command and control policies that have possibilities of changing the face of America are a raging debate in many quarters. One voice is demanding that responsible government "manage what it mandates."

Promotion of responsible government to promote competitive market inspection and quality maintenance is getting consideration as an option to the money-trading strategy. The Clean Air Performance Professionals has requested a pilot study to change management techniques to improve mechanics' Smog Check performance. CAPP maintains that the study will demonstrate a

reduction in mobile emissions in excess of 1 million tons per year. Such a result promotes continuation of America's love affair with the automobile.

The strategy of the proposed pilot study is that government and the private sector can work together toward common goals to provide the public with services that are superior to those provided by government monopoly efforts.

America is making big decisions that affect the very air we breathe. But only private citizens can decide the final direction and results by lobbying for improved performance.

Peters of Loma Linda is president of Clean Air Performance Professionals. Point of View is an occasional column of commentary by local citizens. Send material to Point of View, The Sun, 399 N. D St., San Bernardino, Calif. 92401. Or fax it to (909) 885-8741.

This supplemental page of opinion appears on Sundays, Mondays, and Thursdays.

The Sun
SAN BERNARDINO COUNTY
April 8, 1996

The Sun
Page A6
Monday
April 8, 1996

Quality Tune-Up Shops

Side B Corporation

286 E. Hamilton Ave.
Suite A
Campbell, CA 95008
(408) 374-2001

Tuesday, February 08, 1994

To: Governor Pete Wilson
To: All California Legislators

There has been much discussion about the future of smog check in California. Tremendous effort has been put forth by members of the California Legislature in an attempt to satisfy questionable demands set by the Federal EPA.

The Clean Air Act of 1990 states in pretty clear terms how states can comply with the intentions of the U.S. Congress, however "Rules" provided by the EPA have certainly clouded the issue.

A lot of effort has been expended attempting to negotiate with the Federal EPA. The EPA has a well published bias toward centralized contractor testing which would seem to have no scientific basis. Until EPA is told by someone to stop the bias and allow realistic alternative plans as described in the Clean Air Act of 1990 it would seem that meaningful negotiations would be impossible.

It would be very sad if California was somehow forced to compromise the quality of our air and the ability to better future improvements by attempting to appease the whims of some at EPA.

When I was about three years old I was in a department store with my mother and I was enticed by an escalator. I jumped on and rode down a floor which was a lot of fun - and then proceeded to exhaust myself trying to run back up the downside. Finally a stranger pointed out that if I walked around the corner and got on the one going up that the going would be a lot easier. I include this story because fifty years later it occurs to me that instead of trying to overcome the EPA's escalator we should be walking around to the route that takes us where we need to go.

My definition of where we need to go is based on the maybe naive notion that the goal is to detect vehicles that fail emission standards, get them repaired, and thereby clean up the air we breathe.

Factories have made many emission related improvements. Vehicle manufactures, prompted by government, produce cars that are almost environmentally neutral that are totally superior to vehicles made just twenty years ago. It is generally agreed

that the area that can provide additional improvement for reasonable cost is reduction of emissions from on road vehicles by causing them to be properly maintained.

How do we get closer to the clean air goal than we are today?

Most of the solutions won't appeal to those who advocate high-tech answers for simple problems. Most of the solution is derived from a monotonous statement heard hundreds of times from my Smog Check friend Charlie Peters - "People do what people gotta do."

Sort of like Aloha - same answer coming or going.

With six words are we now proposing to solve a multi-billion dollar problem?

Yep.

I will continue to advocate that California's smog check program is the best in the world, but since the start of this debate we have searched for ways to make it better. The customer does not always get a good smog check, a good repair, and the result is that the air is not as clean as it could be.

Let's go to the street to see what actually happens and maybe you will come to agree that the fix is as simple as, "people do what people gotta do."

A customer ventures into his local smog check station and the vehicle properly fails. Instead of getting the vehicle repaired he goes to another smog station and now gets a pass - gets a certificate on a vehicle that should be failed. Generally that customer, sometimes violently, returns to the shop that correctly failed his vehicle demanding that his failing smog check fee be refunded. Those customers who feel really offended might file a complaint against the person that failed their vehicle and that shop would often receive criticism for some minor procedure totally isolated from the reason that the vehicle was correctly failed in the first place. The guy that passed the car is the problem, but he escapes because no one complained about him.

What just happened?

In the practical application of a well intentioned plan the guys with the white hats and the ones with the black hats got reversed. The hard working, conscientious technician gets yelled at and criticized while the fellow that produced the certificate tends to become the local underground hero for consumers who would like to skirt responsibility for maintenance of their vehicle.

How do you create demand for smog check and subsequent needed repairs to be done the right way?

Create a system that demands a proper smog check and then support those who do it properly. Two separate, inexpensive systems will accomplish support of those who do it right and aid in identification of those who intend to do it wrong.

1.) The BAR has experimented with a proactive undercover car system with vehicles rigged to fail. Shops are allowed to diagnose problems and suggest repairs. For the first time techs were being tested to see if they knew how to fix the car. The program was appropriately named Partners In Clean Air which was shortened to P.I.C.A. Some critics did not like the concept, because a successful technician was patted on the back and given a hat or other small award. What was really happening was it started to put shops and technicians on notice that somebody cared if they did proper tests and repairs. No one had ever asked anyone to repair a vehicle.

Would that actually work?

For a long time the BAR ran fully documented - court ready - undercover cars with a "missing component". Over time the hit rate for failure to detect the missing part went from 73% wrong to 82% correct. It is fun to imagine the clean air results that could be had in P.I.C.A. test and repair efficiency, as history has shown was possible in the "find the missing part program". Another advantage with P.I.C.A. is that "documented" undercover cars are not needed so the expense is vastly reduced, which affords a lot more runs for the "buck".

"People do what people gotta do".

2.) Flag system: The D.M.V. and BAR published a paper in October 1992 "Electronic Transmission Project" stating they had concluded a study, with positive results, and were confident that they could implement a system for electronic transmission of data. (Spelled out in the Clean Air Act of 1990 as one of the possible enhancements for decentralized programs). Add to that a flag that would notify a tech that the same vehicle had failed a smog check at another location within the last 60 days. The flag would appear after the tech no longer had control over any test entries. By itself the flag would prove nothing. The vehicle could have been improperly failed at another shop, been repaired in the meantime or improperly passed. But the tech would want to know. He would want to know and he would also be aware that the BAR was now watching the same flag. A shop with lots of flags would probably interest regulators. And the tech would be the first to know.

The system would create for the first time a self policing program that would in effect turn every car tested into a possible undercover car. Properly supported it would become a constant reminder that the job is to do it right. The cost for such a flag system has been estimated at around a million dollars. Cost for regulator support - that's their job - just help them do it. An added enhancement could be direction of a percentage of flagged vehicles to a BAR referee for verification before a certificate was issued. The flag technology would be very similar to the quick approval you get when you use your Master Card at a store.

The public deserves a proper smog check and proper repairs that provide value and help clean air. The regulators deserve the tools that will enable them to do an effective job. The thousands of honest participants that have helped give California the best existing emission reduction program in the world deserve the help to stay the best.

Until the President instructs the EPA to quit soliciting business for the centralized contractors there can be no meaningful negotiations between any state and EPA. California can either fight the wrong way on the escalator, give up, or take the other escalator and adapt our program to something that really works.

"People do what people gotta do!"

Sincerely,

Larry Armstrong
President
Side B Corp.
d.b.a Quality Tune-Up Shops

P.S. Senator Presley's SB1197 created the most comprehensive vehicle emission program in use anywhere today. Senator Russell has demanded that changes be based on good science, be sensible and effective in cleaning the air.

It is possible that the time is at hand for the creation of a Presley/Russell bill that could incorporate Total Quality Management concepts that would leave EPA with no possible reasonable objections.



Clean Air Performance Professionals

HEALTH AND SAFETY CODE ARTICLE 6

Public Information

Section

44070. Public information program

44070.5. Public information program inclusions

44071. Funding

§ 44070. Public information program

(a) The department shall develop within the bureau, with the advice and technical assistance of the state board, a public information program for the purpose of providing information designed to increase public awareness of the smog check program throughout the state and emissions warranty information to motor vehicle owners subject to an inspection and maintenance program required pursuant to this chapter. The department shall provide, upon request, either orally or in writing, information regarding emissions related warranties and available warranty dispute resolution procedures.

(b) The telephone number and business hours, and the address if appropriate, of the emissions warranty information program shall be noticed on the vehicle inspection report provided by the test analyzer system for any vehicle which fails the analyzer test.

Added Stats 1984 ch 1591 § 3. Amended Stats 1988 ch 1544 § 57; Stats 1995 ch 91 § 93 (SB 975).

CAPP contact: Charlie Peters (

AutoNation

Corporate Offices
Government Relations
110 SE 6th Street, 20th Floor
Ft. Lauderdale, FL 33301

Toll Free: (800) 837-0032
Direct Dial: (954) 769-3059
Direct Fax: (954) 769-6445

June 11, 1999

The Honorable Gray Davis
Governor of California
State House
Sacramento, California 95814

Dear Governor Davis:

Many of us are asked to write letters of recommendations for people we know and we comply out of courtesy. This is not one of those letters. Rarely do we have the opportunity to make a real difference in a decision by sharing our personal opinions and experiences. I hope *this* will be one of those opportunities.

Charlie Peters has been a professional friend of mine for more than a half dozen years. We worked together for nearly six months before actually meeting. Charlie came to me via a recommendation to talk to him regarding I/M programs in California because he was the expert. Since then, he has proven this more over by his knowledge and love for the automobile. His enthusiasm for doing what is in the best interest of the citizens/driving public as well as what can realistically be done has had a positive ripple effect onto the many fortunate citizens in the State of Arizona and myself. He has been my teacher, a professional friend and an outstanding contributor to the business community. In all of my life I have never know anyone more dedicated to a cause he believed in than Charlie Peters.

Early in the 90's, I stepped into a new career as the Director of Public Affair and Legislation for the Arizona Automobile Dealers Association. My job as an advocate at the legislature was easy because of a dozen previous years of experience, however the client was new. As I am certain you are aware, franchised new car dealers also sell used vehicles and provide volumes of vehicles with maintenance and service. The issue we were faced with was the infamous IM-240 - the transient loaded inspection and maintenance program being mandated by the federal government and enforced via the states under the hammer of the EPA.

Charlie educated me on the internal combustion engine-- how it worked, the components and what it should or should not do. He took great pains, going over and over similar sections until I understood and more importantly, so that I could repeat it and educate the members of the Arizona Legislature and the general public. In the end, Charlie and I created and developed an emissions program in Arizona which had a very positive impact on dealer's businesses and in turn allowed them to provide a better service to the Arizona consumers. This program was presented and passed by the Arizona Legislature and supported by the Governor. Charlie Peters' influence and expertise are still working in Arizona today.

In the interest of brevity, Charlie's patience and complete understanding of the many details of the automobile and the industry came through for a very powerful cause. His sensitivity to the politics, the people and the process was admirable. He is unmatched in this field. He gained nothing material from this professional relationship and in fact, I am certain he spent his own resources many times to return calls and by providing information. Charlie's own interests drew him into a field of the automobile and repair and he has dedicated his life to it. He has sacrificed his personal gain for the greater good of the whole. In doing so, his satisfaction came from knowing that he helped provide the information and knowledge for other people to make informed, educated and hopefully the right decisions. His patriotism and theory of *doing what is right is not always popular* has earned him respect across the nation. I would welcome any opportunity to work with him again in the future.

Fortunately, you have the opportunity to do something that would be popular and right. The appointment of Charlie Peters as Chief of the Bureau of Automotive Repair would give California a dedicated public servant with an incredible wealth of knowledge in the automotive field and in the human field. He has earned a reputation for honesty and is respected by all that have met him. Charlie will be a positive addition and do an outstanding job thus keeping California on top as the envy of the rest of the nation. He is the best of the best and I highly recommend his appointment to the position of Chief of the Automotive Bureau of the State of California.

Sincerely,

Dolly M. Volini
Senior Government Relations
AutoNation, Inc.*

Cc. Ms. Kathleen Hamilton, Director
Department of Consumer Affairs
400 R Street
Sacramento, CA 95814

* AutoNation, Inc., is the world's largest automotive retailer with more than 380 new vehicle franchises in 20 states and 45 AutoNation USA used vehicle Megastore in 13 states. Its automotive rental units include Alamo Rent-A-Car, Inc., National Car Rental Systems, Inc. and CarTemps USA, which combined have operations nationally and in more than 65 countries. The company is formerly known as Republic Industries, Inc.