

Tuesday August 15, 2023

My Name is Bill Weber.

I am the Commander of VFW Post 10789 Brentwood California.

I am a member of American Legion Post 202, Brentwood California.

I am an Associate Member of Marine Corps League Detachment 1155, Brentwood California.

Every crisis presents an opportunity.

Contra Costa County and Con Fire are taking away 7% of the land dedicated to veterans in Brentwood.

That is wrong, that is unethical, and that is also illegal.

I reference you to some case law and opinions to support that later.

I also reference you to the California Military and Veterans Code.

Here is what we are asking for:

Immediately cease and desist all development plans, recording of deeds, and property lines as it references the former fire station in Brentwood, the proposed new fire station in Brentwood on 1st street, and any development that impacts the Brentwood Veterans Memorial Building. No land can be taken from Veterans.

Next, we ask that any former sublease of property to the Fire Station be reviewed and voided. That sublease was likely illegal because it never was brought before voters for approval as it was required to be. The veterans did not have any authority to sublease that property to the fire station as it was already dedicated to the use of veterans and paid for by a public sales tax.

The property lines should be restored to their original dedication to veterans.

Then we ask that any site selected for a fire station in Brentwood be subject to a needs analysis - where is the greatest need for emergency response, and an impact assessment. These have not been done. Future expansion should be something that should be considered. In addition to that, we ask that some alternative sites be proposed when selecting from a list of sites that are suitable.

Finally, we ask that the Brentwood Veterans Memorial Building and all 3 Veterans Service Organizations be included in all communication going forward.

So, let's continue to keep the lines of communication open and work towards a respectful, honorable, ethical, and legal solution that is the best for all the stakeholders. We do assume positive intent and look forward to working together.

However, we will not let the Veterans of the past who fought for the very freedom we enjoy here today be disrespected, we will not let our current veterans down, and we certainly will not turn our backs on the veterans of the future.

For Reference

Last summer, the Brentwood Veterans Memorial Building, and the three Veterans Service Organizations that comprise the building membership - American Legion Post 202, VFW Post 10789, and Marine Corps League Detachment 1155, were told by Contra Costa County and Con Fire that the abandoned Fire Station next to the Veterans Memorial Building was going to be demolished, and a new larger Fire Station was going to take its place.

"Following the end of World War I, government bodies and veterans' groups across the nation began erecting memorials dedicated to those who served and to those who lost their lives. Using a federal initiative that authorized counties to raise funds through a temporary sales tax increase, Contra Costa County's Board of Supervisors voted in 1922 to construct a memorial in every town that had an American Legion Post. Each hall would nominally be in the custody of the American Legion, but they were also to be made open to all veterans' organizations." (Kimberly Butt AIA, Interactive Resource Inc., Historic Resources Evaluation, Memorial Hall, Crockett, CA May 2, 2012)

Case Law & Opinions

Captain Charles V. Gridley Camp No. 104, United Spanish War Veterans v. Board of Supervisors Charles v. Gridley Camp No. 104

United Spanish War Veterans, 98 Cal.App. 585, 277 P. 500 (Cal. Ct. App. 1929) Judge J. Plummer.

Veterans of Foreign Wars v. City of El Paso de Robles Veterans of Foreign Wars v. City of El Paso de Robles, 62 Cal.App.4th 1077, 73 Cal. Rptr. 2d 171 (Cal. Ct. App. 1998)

Glenn County Veterans Council, Inc. v. County of Glenn Glenn County Veterans Council, Inc. v. County of Glenn, No. C056749 (Cal. Ct. App. Apr. 2, 2009)

Opinion No. 98-1104 Opinion No. 98-1104, Opinion No. 98-1104 (1999) (Ops.Cal.Atty.Gen. May. 5, 1999)

CA Mil & Vet Code § 1266

(a)Whenever a city, county, or city and county has provided, maintained, or provided and maintained any building, memorial hall, meeting place, memorial park, or recreation center for the use or benefit of one or more veterans associations, veterans service organizations, or nonprofit veteran service agencies pursuant to Section 1262 or Section 37461 of the Government Code, the provision of that facility and its acceptance by the veterans associations, veterans service organizations, or nonprofit veteran service agencies constitutes a dedication of that property to a public purpose, and the city, county, or city and county may not revoke the dedication, so long as the veterans associations, veterans service organizations, or nonprofit veteran service agencies have not violated the terms and conditions of the dedication, unless the city, county, or city and county dedicates substitute facilities or unless the veterans associations, veterans service organizations, or nonprofit veteran service agencies have either consented to the proposed city, county, or city and county action or have abandoned use of the facilities.

(b)For purposes of subdivision (a), a property shall not be considered abandoned if the veterans association, veterans service organization, or nonprofit veteran service agency is required to move from the property in order for the property to undergo seismic retrofitting or remodeling.

Contra Costa County's 13 Original Veteran Memorials

- Antioch - Brentwood

- Concord - Crockett

- Danville - El Cerrito

- Lafayette * - Martinez

- Pittsburg * - Port Chicago

- Richmond * - Walnut Creek *

- Soldier's Memorial Monument, built 1927 at the intersection of Victory Highway and Pacific and Redwood Highways. It now stands on Boyd Road in Pleasant Hill.

* - no longer standing

Counties were authorized by the U.S. and California State government to raise funds through a temporary sales tax to build Veteran Memorials. In 1922 the Contra Costa County Board of Supervisors voted to approve this building program county-wide." (Joanne Rubio, El Cerrito Historical Society, January 2014)

Property History

The County Board approved the purchase of the property for Veterans on Monday May 21st 1923 from R. J. Wallace. Deed book 438 page 321. The original declaration states "In the matter of purchase of lands from R. J. Wallace, for purpose of building and maintaining a building or Memorial Hall for the use of patriotic, fraternal, or benevolent associations, for veterans soldiers, sailors, and marines who have served the United States honorably in any of its wars, and for all and every purpose for which same may be lawfully used."

The fire department subleased the property from the American Legion and the Adjoining Veterans Memorial Mall. The county approved the construction of the Fire Station. Contra Costa Gazette, Saturday, June 12, 1937

"A new firehouse was built in 1937 on First Street, next to Veterans Memorial Hall. Replaced in 1957 by the current station on the same site, the old station's office building remains between the hall and the new station, occupied by Operation Creekside's military support organization."

https://www.thepress.net/news/brentwood/storied-past-of-local-fire-service/article_56cae381-8901-5cf7-832a-0cf44cbe58ad.html

In a letter to Supervisor Mary N. Piepho, Steven Van Horn, CCC Sr. Property Agent, derived a narrative of the history of the parcel and lot line. See our post about that letter.

"Over the years, the fire station was expanded several times to accommodate a larger fire station to house fire trucks, equipment, offices, and personnel."

"In 1955 the County established leases with the veterans service organizations for the building."

"It is interesting to note that there is a note in the margin handwritten by an unknown individual, apparently sometime prior to 1965, that states, "Note - On the next lease renewal - use only Lots 30, 31, 32, and NW'ly 5' of Lot29. (Drwg # M-207-61)." It appears that someone realized that the rest of the parcel was being used for other purposes, e.g. a fire station, and should not be a part of the Veterans' lease."

In 1978 the County established the lot line seen here. The County had officially set a lot line, where none had been, because of disputes between the fire station and Veterans over the parking area.

In July of 2022, Deputy Fire Chief Aaron J. McAlister paid a visit to the BVMB Board with a request regarding the potential adjustment of the lot line. His purpose was to explore the veterans' willingness to accommodate the need for a larger footprint on the alley side of the property in order to accommodate the larger fire engines and provide staff parking. Although no guarantees were made, Chief McAlister indicated compensating the BVMB for the veteran's cooperation in the lot line adjustment.

The BVMB board indicated that we were open to negotiations and might entertain the idea of a lot line adjustment depending on what compensation could be worked out. However, some veterans were against any further encroachment of the fire department. We left the meeting with McAlister and agreed to continue the dialogue. The BVMB Board sent a follow-up email to Aaron and the County Veterans Service Officer on July 22nd and another on August 2, 2022. No reply from either party.

In the August 8, 2022 Fire Chief's report, Fire Chief Lewis T. Broschard III, mentioned the Fire District staff has met with the Veterans organization in the neighboring Veterans Hall. There is a possibility of a lot line adjustment, involving County property on both sides, that will help increase the success of the project."

The County and Con Fire stopped communicating with the Veterans at that point until June of 2023.

Earlier this summer, a veteran reported to the BVMB Board new property line markers near the hall. There were actually two different lot lines marked. President of the BVMB Board Dan Moses contacted the county to inquire about the new property line markers.

Without notice or discussion or content of the veterans, the county has unilaterally moved the property line. Con Fire conducted its own property survey and made it match the drawings they already had on hand.

The County has stated that Veterans will lose approximately 6.8% of the existing land. The planned lot line will greatly impact the Veteran's storage containers and parking on the alley side of the property. Disabled veterans who park in the impacted area must now find parking elsewhere.

Online Reference: <https://www.bvmb.org/blog>

Please note: we have received guidance from some of the same veterans that were involved in the Lafayette Memorial Center discussions who know the Supervisors and did help them, and the current County Administrator understand the laws as it pertains to veteran memorial buildings back in the early 2000's and helped facilitate the discussions that made the new Memorial Building in Lafayette a reality. I am not at liberty to disclose their names at this time.

Here are just some of the topics that veterans, business owners, and community members are concerned about:

- The California Military and Veterans Code.
- Illegal Taking of 7% of land dedicated to veterans.
- Lack of impact assessment.
- New Fire Station will only be manned by 3 personnel and 2 vehicles.
- There is no room for expansion at the selected site.
- When will this be added to the agenda as a topic for all stakeholders?
- No assessment of emergency response needs to place Fire Station in best location to meet those needs.
- No consideration of alternate sites.

- No consultation or communication with veterans for almost a year until plans were finalized and architectural drawings created.
- Conflicting survey marks.
- The loss of loading zones.
- The loss of any ability to close streets for events, memorials, fairs, parades, car shows, Hometown Halloween, and most other purposes.
- The impact on Downtown Brentwood, when other locations nearby, that are empty, and closer to larger population centers exist and allow for expansion.
- Legal Protections for land dedicated to veterans are being ignored.
- Contra Costa County was lauded in 1923 among California Counties in its Memorials to World War I veterans. When they started overseas they were promised that when they returned, they could have 'anything they wanted'.
 - Contra Costa County made good on that promise, implemented a temporary sales tax, and approved the building of a veterans' memorial hall in each town in the county where there was an American Legion Post - 13 locations.
 - They are slowly working to abolish that good will and break that promise. But doing so is illegal.



Johnny Johnson, a member of the American Legion Post 202 in Brentwood, presents 101-year-old Ray Graf with a certificate marking Graf's 75-year membership in the post. Graf is a veteran of World War I.

An editorial from:

The *San Francisco Chronicle*

(c. 1923)

“Contra Costa County is notable among the counties of the State in its memorials to World War I veterans. When the doughboys started overseas they were promised that when they returned, they could have ‘anything they wanted’. Making good on this promise, the board of supervisors has built a veterans’ memorial hall in each town in the county where there is an American Legion Post.”

Our Veterans Legion Hall was dedicated April 2, 1925.

Sincerely Yours,

Commander Bill Weber

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