

CONTRA COSTA COUNTY
Department of Conservation and Development
Keller Canyon Mitigation Fund Policies

Adopted by the Board of Supervisors on May 24, 2011

I. KELLER CANYON MITIGATION FUND REVIEW COMMITTEE

- A. The composition of the KCMF Review Committee shall include the following individuals: District V Supervisor, District V Chief of Staff (or other person assigned by the Supervisor), a representative of the Bay Point Municipal Advisory Committee (MAC) appointed by the Bay Point MAC, a Principal (or other senior school official) from a school located in the Bay Point area, and a representative from the Bay Point Chamber of Commerce. The representatives from the MAC, Bay Point area school, and Chamber of Commerce shall be appointed to minimum two year terms.
- B. KCMF Review Committee members shall be subject to the Political Reform Act and Government Code section 1090. On a case by case basis, individual KCMF Review Committee members, depending on the individual circumstances, may be required to recuse themselves from participating in the discussion and consideration of a particular application for KCMF funding in compliance with the Political Reform Act and Government Code section 1090. Because each situation can be different, each KCMF Review Committee member shall be encouraged to consult with County Counsel to determine how the Political Reform Act and Government Code section 1090 may apply to them as they consider KCMF applications, and make funding recommendations to the Board of Supervisors. KCMF Review Committee members shall receive training on the Political Reform Act and Government Code section 1090 on a yearly basis. In addition, the KCMF Review Committee is subject to County Resolution 2011/55 making family members of the Board of Supervisors ineligible for appointment to the Committee.
- C. The KCMF Review Committee shall be responsible for reviewing and updating, if necessary, the KCMF application materials and rating/evaluation criteria to ensure they are consistent with the conditions of approval for the Keller Canyon Landfill, as amended.
- D. The KCMF Review Committee's funding recommendations shall be guided by the KCMF Target Area Map (Exhibit 1a) that establishes "Primary" and "Secondary" target areas for the use of KCMF funds. 100 percent of KCMF funds shall be used for programs/projects/services directly serving those within the "Primary" and "Secondary" target areas. In addition, no less than 70 percent of the KCMF funds shall be used to fund programs/projects/services directly serving those in the "Primary" target area.

- E. Funding recommendations from the KCMF Review Committee shall be presented at a Board of Supervisors regularly scheduled meeting. The Board Order (BO) will list all of the applicants, the amount of funding requested, the amount recommended, and a short description of the proposed program/project and the proposed outputs and/or outcomes.

II. KELLER CANYON MITIGATION FUND ALLOCATION PROCESS

- A. To increase the public's knowledge on how, where, and when to apply for KCMF funding, the funding timeline, request for proposal (KCMF application), and other applicable materials shall be placed on the District V and County websites. The websites shall also allow organizations and interested persons to add their contact information to ensure notification on matters related to KCMF.
- B. The current list of interested organizations wishing to be notified about the opportunity to apply for KCMF funding shall be reviewed and updated annually to ensure the broadest outreach as possible.
- C. To ensure the tax exempt status of a nonprofit agency requesting funds is valid and in good standing, KCMF applicants shall submit their current non-profit status determination letter from the IRS, a copy of their most recent tax return, and the printout from the California Business Portal (<http://kepler.sos.ca.gov/>).
- D. KCMF Board Orders shall include detailed line items that identify the agencies who applied for funding, the amount of funds requested, the amount recommended, and a complete description of the proposed program/project to be funded. An approved copy of all Board Orders shall be provided to the Auditor-Controller for their files.
- E. By September 30 of each year, the KCMF Review Committee shall prepare a report to the Board of Supervisors on the use of KCMF funds in the previous fiscal year. At a minimum, this report shall describe the revenue received during the year, the amount allocated and spent by each grantee, and the outcome(s) achieved for each funded activity.
- F. Any deficit in the KCMF fund after the end of each fiscal year shall be eliminated by allocating the necessary amount from next year's projected revenue.
- G. When estimating the amount of KCMF funds to be made available for projects in future fiscal years, staff shall analyze the revenue trend lines from previous years and the KCMF Review Committee shall only allocate 80 percent of the anticipated revenue for the upcoming year. This protocol will reduce the likelihood that expenses will be greater than actual revenue received during the year. Any revenue over expenses in one year may be added to the amount made available in the following year.

III. DISBURSEMENT OF KELLER CANYON MITIGATION FUNDS

- A. KCMF funded agencies that receive other County/State/City funds and who are typically paid on a cost reimbursement basis for the programs they operate shall receive their KCMF allocation on a cost reimbursement basis.
- B. Funded agencies that can demonstrate that providing KCMF funding on a cost reimbursement basis will create a financial hardship and be detrimental to the operation of the KCMF funded program shall be eligible to receive up to ½ of the grant amount after the KCMF contract is executed. The remaining amount of the grant will be disbursed after the agency has submitted information documenting how the initial disbursement was spent. At the conclusion of the program, the agency shall be required to submit information documenting how the second disbursement was spent, and provide information documenting program outputs and outcomes.
- C. Each Demand for payment forwarded to the Auditor-Controller will include the name of the agency, the KCMF item agenda number, and the item number of the approved program/project. (For example: New Connections, C.49, Item #45).