



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: March 31, 2015

Subject: Keller Canyon Landfill Surcharges and Mitigation Fees

RECOMMENDATION(S):

ACCEPT report regarding the Keller Canyon Landfill Surcharge and Mitigation Fee information requested by the Board of Supervisors.

FISCAL IMPACT:

There is no fiscal impact to the General Fund for preparing or accepting this report on the Keller Canyon Landfill (KCL) Surcharges and Mitigation Fees. If the Board were to change how KCL Franchise Surcharge revenue was to be allocated or spent in the future, those changes could impact the General Fund.

BACKGROUND:

At the March 3, 2015 Board of Supervisor's meeting (agenda item D.7), the Public Works' Stormwater Manager reported on the County's Trash Reduction Plan. As part of that report, several unincorporated County areas were presented as having higher percentages of trash pollution entering the storm drain system. Bay Point was one of these locations to be highlighted as having trash polluting problems.

As a result of the discussion between staff and members of the Board, the question was raised whether there was a connection between the location of Keller Canyon Landfill (KCL) on Bailey Road south of Highway 4 and the heavy trash pollution in Bay Point. It is worthwhile to note that four of the five communities or areas shown in the Stormwater Manager's presentation are actually former Redevelopment Areas. Trash pollution is a symptom of blight. Although the Keller Canyon Landfill is located in the near vicinity of Bay Point and there are solid waste

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/31/2015** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: Candace Andersen, District II
Supervisor

Mary N. Piepho, District III
Supervisor

Karen Mitchoff, District IV
Supervisor

ABSENT: John Gioia, District I Supervisor
Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 31, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: David Brockbank, (925)
674-7794

cc:

BACKGROUND: (CONT'D)

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transfer stations located within the North Richmond area, the trash pollution is a common factor across the other former Redevelopment Areas. There are litter containment and off-site litter removal requirements included in the Land Use Permit conditions of approval for the Keller Canyon Landfill as well as the transfer stations located in North Richmond and unincorporated Martinez.

Board members raised questions concerning the surcharge/fees generated by the landfill for the County. As a result of this discussion, the Board requested that Department of Conservation & Development (DCD) staff prepare a report to answer five questions about the KCL surcharge/fees. This Board Order is staff's response to those questions, which also incorporates some background on the KCL surcharge/fees.

The attached Table 1 provides a breakdown of the different surcharges/fees, a general purpose for those fees and the administering agency or County department. Surcharges/fees have been established by the Board, some apply to all solid waste facilities and others are project-specific requirements from the Land Use Permit conditions of approval or the Landfill Franchise Agreement.

- Two of these County fee requirements (AB939 Fee & LEA Fee) were established prior to the 1990 approval of the Keller Canyon Landfill and apply to multiple landfills and transfer stations in the County.
- The County's Franchise Surcharge was established by the County and agreed to by the operator pursuant to the 1994 Landfill Franchise Agreement. The most significant source of County fee revenue collected from KCL is the amount derived from the Franchise Surcharge (currently set at 25% of the base gate rate).
- The Land Use Permit Conditions of Approval require payment of the Mitigation Fee and Bailey Road Surcharges shown in Table 1. The \$3.00 per ton Mitigation Fee is listed as two separate fees, \$1.75 is used for the County's Landfill Mitigation Fund and \$1.25 is paid to the City of Pittsburg pursuant to Board action in 1996. The Mitigation Fee is required to be paid out of the County Franchise Surcharge, however the remaining fees are collected/paid separately.

Further details regarding the purpose and use of individual fees/surcharges can be found in the associated backup documentation attached as exhibits to this report (see Table 1 to determine which Exhibit applies to each fee/surcharge). The only fees/surcharges which the Board of Supervisors has the discretion to use to help fund litter/trash reduction activities are the Mitigation Fee and the Franchise Surcharge. DCD staff did not gather information related to the amounts collected to date and any reserves that may exist for any of the other fees/surcharges since they were all established and must be used for purposes other than litter/trash reduction.

1. How are the funds used?

MITIGATION FEES: The KCL Mitigation Fund process was established in August 1992, and the first allocation of funds occurred in November 1992. For the first few years of operation beginning in May 1992, the Operator was obligated to pay three separate Mitigation Fees, each of which was set at \$2.00 per ton. In November 1994, the Board of Supervisors approved Amendment 1 to the KCL land use permit (County File #LP89-2020) and also amended the Franchise Agreement for the purpose of changing requirements related to fees and rate regulation. The following condition of approval (#35.8) was added:

***35.8 Mitigation Fee.** The landfill operator shall pay the County of Contra Costa a fee, the amount of which may be set by the Board of Supervisors by a Board Order from time to time, which amount shall not be less than \$3.00 per ton and shall not be more than \$4.00 per ton, on solid waste received at the landfill. The fee shall be used as directed by the Board in its sole discretion: 1) to mitigate general impacts of the landfill-generated traffic on the County's road system, 2) to mitigate the general impacts of the landfill on open space, existing and proposed recreational facilities, and agriculture, or 3) to mitigate any general impacts of the landfill upon the surrounding community.*

The Board has not changed the Mitigation Fee amount since setting it at \$3.00 per ton in November 1994. Any increase to the Mitigation Fee would not result in a net change in revenue received by the County because the increased amount would have to be deducted from the Franchise Surcharge.

In July of 1996, the Board of Supervisors agreed to allocate \$1.25 per ton of the \$3.00 per ton Mitigation Fund to the City of Pittsburg (Exhibit D). The Board of Supervisors has sole discretion over this funding and therefore has the right to reallocate some or all of the City's share of the Mitigation Fees.

The attached Exhibit B shows the KCL Mitigation Fund Allocation Plan for fiscal year 2014-2015, which was approved by the Board on August 12, 2014. The Allocation Plan pertains to the County's share of the Mitigation Fees. Under this plan, \$35,000 was allocated for an East County Beautification Program (#62), which includes roadside cleanup of litter, trash and other waste materials.

FRANCHISE SURCHARGE: The Board of Supervisors approves the annual allocation of revenue expected to be derived from the Franchise Surcharge as a part of the County's Budget for each fiscal year. Exhibit A is a memorandum from the County Finance Director which outlines the distribution of the Landfill Surcharge Revenues for the Fiscal Year (FY) 2014-2015. Among the allocation amounts in Exhibit A is \$75,000 for Building Inspection, which is used to help fund enhanced code enforcement services in the Bay Point area.

2. What is the intended use of the funds?

MITIGATION FEES: Amendment 1 to the KCL land use permit (1994) was also intended to provide flexibility in the use of Mitigation Fee funds, specifying that the fee shall be used by the Board in its sole discretion. Unless or until the Board of Supervisors decides otherwise, the intended use of a portion of the Mitigation Fee funds (\$1.25 per ton) is direct payment to the City of Pittsburg pursuant to the action taken by the Board of Supervisors in 1996 (Exhibit D).

For the revenue derived from the County's share of the Mitigation Fee (\$1.75 per ton), the current program/project/service categories considered for funding include: youth services, code enforcement, public safety, community beautification, and community services.

On May 24, 2011 the Board approved new policies governing the implementation and administration of the County's KCL Mitigation Fund ("KCL Mitigation Fund Policy"). The adopted policies for the Mitigation Fund have been provided as Exhibit C in this report. These policies are broken into three main categories; I) Keller Canyon Mitigation Fund Review Committee, II) the Mitigation Fund Allocation Process, and III) Disbursement of Mitigation Funds. These policies identify the parameters governing the allocation and use of the Mitigation Fund (Exhibit C) and the intended use of the Fund is provided in the Allocation Plan (Exhibit B).

FRANCHISE SURCHARGE: The Landfill Franchise Agreement allows the Board of Supervisors to have the sole discretion to decide how the County's Franchise Surcharge revenue is used (with the exception of the portion required to be treated as the Mitigation Fee). The County Administrator's Office makes recommendations to the Board of Supervisors through the annual budget process for the use of the surcharge funds. The Board of Supervisors is expected to decide the intended use of the 2015-16 Franchise Surcharge revenue in April, as a part of the County's overall budget.

3. How much funds are there?

MITIGATION FEES: Table 2 reflects the amount of actual Mitigation Fee revenue (\$1.75 per ton for the County & \$1.25 per ton for the City of Pittsburg) collected to date for FY 2014-15. The County's share of the projected Mitigation Fee revenue for FY 2014-2015 is \$1,100,000.

Keller Canyon Mitigation Fund Policy II.G states in part:

“...when estimating the amount of KCL Mitigation Funds that are to be made available for projects in future fiscal years, staff shall analyze the revenue trend lines from previous years and the KCL Mitigation Fund 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.

FRANCHISE SURCHARGE: Table 2 reflects the amount of actual Franchise Surcharge revenue (remainder after deducting the Mitigation Fee) collected to date for FY 2014-15. The County's projected Franchise Surcharge revenue for FY 2014-2015 is \$1,900,000.

4. Where are the funds?

MITIGATION FEES: The portion of the Mitigation Fee funds retained by the County are located in a separate internal County account, under Organization #1581. The portion the Mitigation Fee funds allocated to the City of Pittsburg are paid to the City quarterly.

FRANCHISE SURCHARGE: The Landfill Franchise Surcharge is deposited into either Account #9122 (Franchise-Keller Landfill Surcharge) or Budget Unit #0005 (General County Revenues).

5. Is there a reserve currently?

MITIGATION FEES: Mitigation Fee funds retained by the County that are not fully used each fiscal year remain in the account for Organization #1581 and are included in recommended funding allocations for the following year. The allocation amounts approved by the Board for 2014-15 included \$404,656 of the FY 2013/14 total fund balance (\$450,600). In accordance with Policy II.G, less 20 percent of \$1,100,000 is \$220,000. Any Mitigation Fee revenue over expenses in one year may be added to the amount made available in the following year.

FRANCHISE SURCHARGE: Any Franchise Surcharge revenue in excess of the FY 2014-15 funding allocation amounts for the individual budget units shown in the County Administrator's Office memorandum dated August 21, 2014 (Exhibit A) are to be deposited into the General County Revenues fund. Exhibit H shows that the estimated balance at the end of FY 2013-14 was zero (any excess is held in the General Fund account).

CONSEQUENCE OF NEGATIVE ACTION:

None.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Tables 1 & 2- Keller Canyon Landfill Franchise Surcharge & Mit. Fee Revenue

Exhibit A - Distribution of FY 2014/15 KCL Surcharge Revenue

Exhibit B - FY 2014/15 KCMF Allocation Plan

Exhibit C - KCMF Policy

Exhibit D - Allocation of Keller Mitigation Fees to City of Pittsburg

Exhibit E - Establishment of LEA Fee

Exhibit F - Establishment of AB939 Fee

Exhibit G - Bailey Road Surcharge Board Order

Exhibit H: Special Revenue Factsheet for KCL Surcharge/Mitigation Fee

Table 1
COUNTY FEES/SURCHARGES COLLECTED AT KELLER CANYON LANDFILL

Surcharge/Fee Type	Purpose	Administering Agency/Department	Authorizing Documents	Exhibit
Franchise Surcharge ¹ <i>(varies based on gate rates)</i>	Allocated for Various Purposes in County Budget (including but not limited to General Fund, County Recycling Center & Code Enforcement)	Various Departments	FY 14-15 CAO Memo 8/21/2014	A
Mitigation Fee <i>(\$1.75/ton)</i>	Host Community	Keller Canyon Mitigation Fund Review Committee	FY 14-15 Board Report 8/12/2014 2011 KCMF Policy	B C
Mitigation Fee <i>(\$1.25/ton)</i>	Host Mitigation Fee	City of Pittsburg	Board Report July 16, 1996	D
LEA Fee <i>(\$1.25/ton)</i>	Monitoring & Enforcement	Contra Costa Environmental Health	Board Order December 20, 1988	E
AB939 Fee <i>(\$0.15/ton)</i>	Countywide Recycling Hotline & Reporting	Department of Conservation & Development	Board Order November 14, 1989	F
Bailey Road Improvement Disposal Surcharge <i>(\$0.32/ton)</i>	Reimbursement for City/County Road Improvements	Keller Canyon Landfill (reimbursement)	Board Report July 27, 2010	G
Bailey Road Maintenance Disposal Surcharge <i>(\$0.68/ton)</i>	Future Road Maintenance (County/City)	County Public Works Department (City of Pittsburg JEPA)		

¹ See attached Table 2 for the amount received to date for FY 2014-15. Total received in FY 2013-14 was \$1,914,945.68

Table 2
KELLER CANYON LANDFILL FRANCHISE SURCHARGE & MITIGATION FEE REVENUE

2014-15	Tons Disposed	County Franchise Surcharge (with Mitigation Fee)	Surcharge (Average Per Ton Equivalent with Mitigation Fee)	County Franchise Surcharge (Remainder after deducting Mitigation Fee)	Surcharge (Average Per Ton Equivalent without Mitigation Fee)	Mitigation Fee - City (\$1.25/ton)	Mitigation Fee - County (\$1.75/ton)
July	65,255.22	\$ 373,392.99	\$ 5.72	\$ 177,627.33	\$ 2.72	\$ 81,569.03	\$ 114,196.64
August	64,459.60	\$ 370,358.71	\$ 5.75	\$ 176,979.91	\$ 2.75	\$ 80,574.50	\$ 112,804.30
September	64,128.47	\$ 375,039.00	\$ 5.85	\$ 182,653.59	\$ 2.85	\$ 80,160.59	\$ 112,224.82
October	73,650.07	\$ 399,439.32	\$ 5.42	\$ 178,489.11	\$ 2.42	\$ 92,062.59	\$ 128,887.62
November	61,168.55	\$ 357,603.32	\$ 5.85	\$ 174,097.67	\$ 2.85	\$ 76,460.69	\$ 107,044.96
December	62,886.04	\$ 357,220.92	\$ 5.68	\$ 168,562.80	\$ 2.68	\$ 78,607.55	\$ 110,050.57
January	72,888.84	\$ 425,310.41	\$ 5.84	\$ 206,643.89	\$ 2.84	\$ 91,111.05	\$ 127,555.47
February	58,618.91	\$ 335,009.82	\$ 5.71	\$ 159,153.09	\$ 2.71	\$ 73,273.84	\$ 102,853.09
March		\$ -		\$ -		\$ -	\$ -
April		\$ -		\$ -		\$ -	\$ -
May		\$ -		\$ -		\$ -	\$ -
June		\$ -		\$ -		\$ -	\$ -
TOTALS	523,055.70	\$ 2,993,374.49		\$ 1,424,207.39		\$ 653,819.84	\$ 915,617.47
Amount Allocated by Budget Unit <i>(see FY 2014-15 CAO Memo)</i>				\$ 459,420.00			\$ 1,100,000.00
Remainder to General County Revenues²				\$ 805,634.30			

² Any amounts received in excess of the FY 2014-15 funding allocations for individual budget units shown in the County Administrator's Office memorandum dated August 21, 2014 (Exhibit A) are General Funds to be deposited into the General County Revenues fund. Exhibit H is a Special Revenues factsheet prepared for FY 2013-14 with general background information about the Franchise Surcharge and Mitigation Fee.

County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

DATE: August 21, 2014

TO: Jennifer Webber, Chief Accountant

FROM: Lisa Driscoll
County Finance Director

BY:  Laura Strobel, Principal Analyst

SUBJECT: DISTRIBUTION OF LANDFILL AND TRANSFER STATION SURCHARGE REVENUES FOR FY 2014-15

2014 AUG 21 PM 1:03
 COUNTY OF CONTRA COSTA

Each year, we advise your office on the revenue distribution from Awin Management, Inc. as a result of the operations at the Keller Canyon Landfill and the Contra Costa Transfer Station.

KELLER REVENUE DISTRIBUTION

Keller revenues have been deposited in Trust Fund 8109, account 0181080190100. As you know, \$1.25 per ton is distributed to the City of Pittsburg as a result of Board action in 1997. Revenues, which exceed the maximum amount of Board allocation for revenue account **9125**, should be deposited in the **Keller Canyon Mitigation Fund Balance** designation.

With regard to the Keller surcharge monies, funds may be distributed to the following budget units, in the following amounts:

Franchise--Keller Landfill Surcharge (9122)

Building Inspection	2671	\$75,000
EHSD	5223	\$159,000
County Administrator	1220	\$210,420
County Administrator	1200	<u>\$15,000</u>
	Total	\$459,420

Laura  8/25/14
 Zora —
 Please handle.
 JW 8/22/14

CONTRA COSTA TRANSFER STATION REVENUE DISTRIBUTION

A separate check is submitted to the County from the Contra Costa Transfer Station and posted to Trust Fund 8109, account 9500000. These monies and future deposits need to be distributed in the following amounts, to the following budget units:

Franchise--Transfer Station Surcharge (9126)

Building Inspection	2671	\$50,000
Public Wks/General Services	4730	\$292,546
Health Services	5941	\$70,000
General Revenues	0005	<u>\$620,000</u>
	Total	\$1,032,546

Any revenues exceeding the maximum amounts for accounts **9122 and 9126** should be deposited in **General County Revenues, budget unit 0005**.

Thank you for your assistance.



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Interim Director, Conservation & Development Department
Date: August 12, 2014

Subject: FY 2014/15 Keller Canyon Mitigation Fund (KCMF) Proposed Allocation Plan

RECOMMENDATION(S):

1. **APPROVE** the FY 2014/15 Keller Canyon Mitigation Fund (KCMF) allocation plan in the amount of \$1,284,656 for specified projects as recommended by the KCMF Review Committee (Exhibit A); and
2. **AUTHORIZE** the Department of Conservation and Development (DCD) Interim Director, or designee, to enter into contracts with the nonprofit and public agencies as specified in Exhibit A for the period July 1, 2014 through June 30, 2015.

FISCAL IMPACT:

No General Funds - 100% Keller Canyon Landfill Mitigation Funds. The FY 2014/15 KCMF allocation plan is consistent with the KCMF policies adopted by the Board of Supervisors on May 24, 2011 including: (1) the projected FY 2014/15 revenue amount is based on the trend over the last several years; (2) staff has considered any anticipated changes in the amount of waste expected to be deposited at the Keller landfill site during the year; (3) the projected revenue amount has been reduced by 20 percent to reduce the likelihood that proposed expenditures will exceed actual revenue. The amount proposed to be allocated includes \$404,656 of the FY 2013/14 total fund balance (\$450,600), which is also consistent with KCMF policies (Policy IIG).

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input checked="" type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **08/12/2014** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: August 12, 2014

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Chris Heck, Deputy

Contact: Bob Calkins, (925) 674-7877

cc:

BACKGROUND:

In 1990, the Board of Supervisors (Board) approved the Keller Canyon Landfill land use permit and franchise agreement which included the establishment of three fees to mitigate the following impacts of the landfill: traffic generated on the County's road system, the impacts of the landfill on open space, existing and proposed recreational facilities, and agricultural land, and general impacts of the landfill upon the surrounding community.

The Keller Canyon Mitigation Fund (KCMF) process was established in August 1992, and the first allocation of funds occurred in November 1992. In 1994 the Board amended the land use permit and the franchise agreement to combine the above mitigation fees, as well as to provide additional flexibility in the use of funds, specifying that the fee shall be used by the Board in its sole discretion. The current program/project/service categories considered for funding include: youth services, code enforcement, public safety, community beautification, and community services.

On May 24, 2011 the Board approved new policies governing the implementation and administration of the KCMF. The FY 2014/15 allocation process is the fourth year that the new policies governed the process. Listed below are the applicable policies and a description of how they were applied during the FY 2014/15 allocation process:

1. Policy IA: 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.

Action: The KCMF Review Committee was comprised of the District V Supervisor, Federal D. Glover; Chief of Staff, David E. Fraser; Bay Point Municipal Advisory Committee Member, Vicki Zumwalt; and Bay Point Chamber of Commerce Representative, Shah Khurram. As was the case since the inception of the KCMF Committee, recruitment of the school representative was unsuccessful. The Committee is considering other options to fill this seat and is expected to return to the Board with specific recommendations.

2. Policy ID: The KCMF Review Committee's funding recommendations shall be guided by the KCMF Target Area Map 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.

Action: The KCMF Review Committee's proposed FY 2014/15 funding recommendations result in 89 percent of the funds being used for programs/projects/services that will directly serve those residents in the "Primary" target area.

3. Policy IE: Funding recommendations from the KCMF Review Committee shall be presented at a Board of Supervisors regularly scheduled meeting. The Board Order 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.

Action: See Exhibits A and B.

4. Policy IIA: 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.

Action: The Supervisor's office and DCD staff engaged in a comprehensive outreach effort to notify the public of

the availability of funds. In addition to posting the Request for Proposals (RFP) and application on the County's website, emails announcing the RFP were also sent to DCD's email notification list used for its CDBG program, and to previous KCMF applicants. In addition, a "Bidders Conference" was held on April 24, 2014 to inform potential applicants of the application requirements, process, and timeline. KCMF applications were due on May 23, 2014. A total of 114 applications and requests for funding were submitted by the deadline. The KCMF Review Committee met on five separate occasions to review the applications, interview applicants, and develop final funding recommendations.

5. Policy IIC: 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/>).

Action: Any application that did not contain the requisite documents, including the printout from the California Business Portal, was deemed to be incomplete and therefore not accepted.

6. Policy IIF: 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.

Action: Not applicable. The KCMF had a FY 2013/14 fund balance in excess of \$449,000.

7. Policy IIG: 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.

Action: Based on the current information available, staff is using the same revenue estimate as used last year - \$1,100,000 even though the total revenue received in FY 2013/14 was approximately \$100,000 over the estimate. The below table shows how the amount available to allocate in FY 2014/15 was determined:

FY 2013/14 Revenue/Expenses	
FY 2013/14 Actual Revenue	\$1,233,438
FY 2012/13 Fund Balance	<u>417,561</u>
Total Available (a)	\$1,650,999
FY 2013/14 Actual Expenses	\$1,166,766
FY 2013/14 Accrued Expenses	<u>33,623</u>
Total Expenses (b)	\$1,200,399
FY 2013/14 Fund Balance (a-b)	\$450,600
FY 2014/15 Projected Revenue/Expenses	
FY 2014/15 Projected Revenue	\$1,100,000
Less 20% (per KCMF Policy II.G)	<u>(220,000)</u>
Subtotal	\$880,000
FY 2013/14 Fund Balance	<u>450,600</u>
Total Available to Allocate (c)	\$1,330,600
FY 2014/15 Proposed Allocation (d)	\$1,284,656
FY 2014/15 Unallocated Funds (c-d)	\$45,944

The KCMF Review Committee has recommended not allocating all of the FY 2013/14 fund balance at this time, and is holding \$45,944 in reserves. If during the year, one or more of the funded agencies is in need of additional funds to complete and approved program/project or a new program/project emerges, the Committee will reconvene to consider any request(s) for additional funding up to the amount held in reserve and return to the Board with any funding recommendation(s).

CONSEQUENCE OF NEGATIVE ACTION:

Not approving the recommended allocations will result in delays in implementing important projects/programs that directly benefit the residents of the KCMF target areas.

CHILDREN'S IMPACT STATEMENT:

The recommended projects/programs support at least one of the five community outcomes established in the Children's Report Card.

ATTACHMENTS

Exhibit A - Proposed FY 2014/15 KCMF Allocation Plan

Exhibit B - Summary of FY 2014/15 Applications/Funding Recommendations

FISCAL YEAR 2014/15 KCMF ALLOCATION PLAN

<u>Agency</u>	<u>Amount</u>
1. <u>African American Health Empowerment Collaborative – Health Empowerment Expo</u> Conduct a one-day health expo targeting East County African American residents. The expo will provide evidence-based activities related to chronic disease prevention and self-care management to empower residents to make healthy lifestyle choices as a way to improve individual and family health outcomes.	\$6,000
2. <u>All Star Cheer Reaction – All Star Cheer Program</u> Provide a cheer program designed to keep youth (ages 5-18) active during the more vulnerable months of summer as well as to keep them motivated when school begins to be a good student and actively participate in healthy lifestyles throughout the year. A total of 65 youth will participate in the cheer program..	\$8,000
3. <u>Ambrose Recreation & Park District – Fun Starts at 60</u> Provide social and holiday activities during CC Café’s lunch program as a way to encourage attendance and participation. Daily attendance at the CC Café’s lunch program is expected to increase by 20-30 percent. A minimum of 200 seniors are expected to participate.	\$4,900
4. <u>Ambrose Recreation & Park District – Bay Point Youth Sports Program</u> Provide low cost sports programs (soccer, flag football, basketball, etc) each lasting six weeks per program cycle to youth (ages 6-8). It is expected that at least 240 youth will participate in the program.	\$3,300
5. <u>Ambrose Recreation & Park District – Bay Point Holiday Celebrations</u> In partnership with the other community-based organizations conduct least three celebratory events (Halloween, Christmas, and Easter) during the year that promote family and community. A total of over 500 residents are expected to participate in the three events.	\$4,500
6. <u>Ambrose Recreation & Park District – Ambrose Teen Center</u> Operate the Teen Center by providing teens (ages 12-19) the opportunity to participate in structured programs and activities in a safe and controlled environment.	\$5,000
7. <u>Antioch Music Foundation – Percussion Discussion</u> Sponsor the Percussion Discussion concert that chronicles the history of music. The performance is expected to be attended by over 1,500 3 rd graders.	\$1,000
8. <u>Antioch Unified School District – Wolverine After School Library Program</u> Provide expanded library hours (three days a week until 5:30 PM) at the Deer Valley High School Library in order to increase access to library resources and programming, technology and improve student achievement. This program will	\$3,000

Exhibit A

- provide contact with additional professional staff and provide onsite access to the Contra Costa Library resources.
9. Arts and Culture Foundation – Art4Schools \$2,500
Partner with the Antioch Unified School District by providing curriculum based art classes and multi-cultural assemblies at four elementary schools during the year. Classes and programs take place throughout the school year and ends with an exhibit at the Lynn House Gallery.
 10. Bay Point Community Foundation – Science Week \$2,000
Provide a “Science Week” at the Ambrose Community Center for school age youth during their spring break. Approximately 100 youth are expected to participate in the program.
 11. Bay Point Garden Club – BP Spring Derby Memorial, Parade & Festival \$3,000
Sponsor the Spring Derby event that draws participation from families, youth, seniors, local organizations, civic groups and businesses together to celebrate spring and the Bay Point community.
 12. Brighter Beginnings – Teen Family Support Program \$2,500
Provide a child abuse/neglect prevention and early intervention program for pregnant and parenting teens including young fathers. Funding will used to provide staffing, space, childcare, transportation and food for family strengthening community events. A total of 80 teens will be provided services during the year.
 13. Center for Human Development – Four Corners \$6,500
Provide violence and gang prevention therapy group sessions and individual support to high-risk students attending Hillview Junior High in Pittsburg. Support to families is also offered. A total of 15-25 students are expected to be provided services during the year.
 14. Center for Human Development – 12th Annual Unity in Community \$5,500
Sponsor the Eleventh Annual “Unity in Community” event in June, 2015. This event will: 1) cultivate resident leadership, 2) foster relationships between residents and service providers, 3) offer community resources, 4) celebrate diversity of people and cultures, and, 5) promote civic pride.
 15. Child Abuse Prevention Council of CC – Nurturing Parenting Connection \$4,000
Operate a 15-week home based educational program for mothers/families of newborns by providing parental support, education and child abuse prevention to 10 families in Bay Point and Pittsburg.
 16. City of Pittsburg – Everyday is a Special Day \$3,500

Exhibit A

- Partner with Kiwanis and Pittsburg Unified School District to provide special needs students with programs and recreational activities during the school year. Approximately 100 students will be provided services during the year.
17. City of Pittsburg Recreation – Community is Key \$5,000
Publish and mail the Senior Center Newsletter three times a year to provide seniors who do not have access to a computer with critical information regarding County and City services that enhance their quality of life.
 18. City of Pittsburg Recreation – Fun, Food & Fellowship \$3,500
Partner with the C.C. Café to provide seniors with an opportunity for socialization, physical activity, tournaments, and good nutrition. Seven dances and four fun tournaments will be provided to help improve seniors' quality of life.
 19. City of Pittsburg Police Dept.- Rapid Deployment Shelter \$10,000
Purchase a "Rapid Development Shelter" to help Emergency Response Teams (police, fire, etc.) protect members of the community when they are most vulnerable. The shelter can be used as a first aid location, centralized command center or temporary shelter for displaced residents due to a fire, earthquake, etc..
 20. Community Violence Solutions – Violence Prevention Project \$5,000
Provide a school-based violence prevention program aimed at increasing personal safety and preventing bullying of elementary (1st, 2nd, 3rd and 5th grades) school children.
 21. CC Interfaith Transitional Housing – Services to Low Income Children/Families \$10,000
Provide case management, parent support, and youth enrichment services to 123 low-income and at-risk households living in affordable housing in two housing developments in Bay Point and Pittsburg.
 22. CC Youth Council – Read to Live \$10,000
Provide tutoring in reading and spelling to improve the academic skills of 13-18 years old learning-disabled, incarcerated boys. Services will be provided to 35-40 persons per year.
 23. Craft Community Care Center dba STS Academy – World Art and Music Festival \$10,000
Bring music and art from around the world to all Bay Point and Pittsburg elementary school students and their families to help cultivate understanding, acceptance and appreciation of the various cultures.
 24. Craft Community Care Center – 1-2-3 Tutoring Program \$10,000
Provide a tutoring program to 1st, 2nd, and 3rd graders attending Highlands Elementary School in Pittsburg and who are normally shut out of normal after school tutoring and intervention programs because of lack of transportation and other issues. A total 20 students will receive tutoring services during the year.

Exhibit A

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| 25. <u>East County Midnight Basketball League – Summer 2014</u>
Operate the program to assist at-risk youth and young adults between the ages of 16-28 with obtaining help in the following areas: employment, education, health and life skills. | \$10,000 |
| 26. <u>El Campanil Theatre Preservation Foundation – School Field Trips Subsidy Program</u>
Provide field trips to the theatre for approximately 1,500 elementary school children so they can watch a live stage production. | \$5,000 |
| 27. <u>First Baptist Head Start – Alumni Program</u>
Provide approximately 140 at-risk youth (grades 6 th -10 th); the opportunity to learn valuable job skills, and develop positive work ethics during the summer months by volunteering at the Head Start facility. | \$10,000 |
| 28. <u>Give Always to Others – Youth Education Program</u>
Provide learning challenged students with information through seminars and workshops to inform them of the various opportunities available to them related to attending college or securing employment. | \$300 |
| 29. <u>Grace Bible Fellowship of Antioch – Summer Camp Program</u>
Provide a summer camp program to a diverse group of school children so they can participate in activities ranging from math, English, sports, community service, computers, and cooking classes all in a positive environment conducive to student growth. Approximately 100 students will participate in the program. | \$5,000 |
| 30. <u>Greater Faith Food Pantry – Food Pantry Project</u>
Operate a food pantry program that provides healthy and nutritious food packages to approximately 150 low income families twice per week. | \$4,000 |
| 31. <u>Habitat for Humanity – Beautification of Bel Air Elementary School</u>
In coordination with the School administrators and parents, paint and organize the school's library, and install privacy slats in the fence adjacent to the Bel Air trail. | \$5,000 |
| 32. <u>Jewish Family and Children Services – Multicultural Senior Health Program</u>
Operate the Multicultural Senior Health Program, including the Senior Appreciation Day Health Resource Fair, and provide ongoing health education groups for underserved, low-income Latino seniors in Bay Point and Pittsburg. | \$5,000 |
| 33. <u>Loaves and Fishes of Contra Costa – Nourishing the Lives Program</u>
Operate its dining rooms serving Bay Point, Pittsburg, and Antioch residents by providing free meals to lower income families to decrease the incidence of hunger, malnutrition, obesity and diabetes in adults and children. | \$10,000 |
| 34. <u>Los Medanos College – “RENT” at the California Theatre</u>
In partnership with the City of Pittsburg, produce eight productions of the | \$5,000 |

Exhibit A

- musical “Rent” at the theatre. The overall goal of the project is to create a community experience of educational, artistic and social awareness which will bring a cultural consciousness and economic vitality to the area.
35. Los Medanos College Foundation – Community Facility Fee Support \$10,000
Provide low or no-cost facility rentals to at least eight community organizations during the year.
 36. Meals on Wheels/Senior Outreach Services – Nutrition/Social Support for Seniors \$5,000
Operate the C.C. Cafe in Bay Point that provides healthy food and socialization to seniors to help them to remain in their homes. It is expected that approximately 200 senior will be served during the year.
 37. Meals on Wheels/Senior Outreach Services – Pittsburg Senior Center \$10,000
Operate the C.C. Cafe in Pittsburg that provides healthy food and socialization to seniors to help them to remain in their homes. It is expected that approximately 320 senior will be served during the year.
 38. Meals on Wheels of Contra Costa, Inc. – Meals for Homebound Seniors \$5,000
Provide daily meals to nutritionally at-risk homebound seniors in East County.
 39. Mount Diablo Unified School District – Riverview Middle School \$8,000
In collaboration with Habitat for Humanity and the Contra Costa County Library MDUSD will revitalize the library by repainting the exterior and interior of the building, installing new furniture, and installing new signage.
 40. National Society of Black Engineers – Saturday STEM Program \$5,000
Provide tutoring and mentoring to students in science, technology, engineering, math and robotics (STEM). Students in grades 3-5 participate in Kid Zone Academic competition, and students in grades K-12 participate in robotics. Approximately 350 students will participate in the program.
 41. Open Opportunities, Inc. – Future Build Pre-apprentice Training Program \$10,000
Operate the Future Build project that provides 22 low income young adults between the ages of 17 to 30 with a life changing experience that leads to re-engagement in the workforce and post-secondary educational opportunities. Pre-apprenticeship training will be married to practical applications in coordination with Habitat East Bay, Rebuilding Together, Local Unions and Jr. Colleges.
 42. Opportunity Junction – Job Training and Placement Program \$5,000
Provide the Job Training and Placement Program to low-income East County residents helping them become self-sufficient through a comprehensive program of computer training, life skills, paid experience, career skills, mental health, and long-term follow-up. A total of 42 participants are expected to be served during the year.

Exhibit A

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| 43. <u>Opportunity Junction – Career Development Services at SparkPoint</u>
Provide individualized career development services to residents who visit SparkPoint Contra Costa in Bay Point. Support, job coaching and training will be provided to 80 low-income job seekers seeking to overcome barriers to employment, enter the workforce, or retain employment. | \$5,000 |
| 44. <u>Pacific Community Services, Inc. – Housing Counseling Program</u>
Provide individual HUD certified housing counseling services to approximately 110 households to prevent the loss of housing and to counter habitability, fair housing and other housing issues. | \$10,000 |
| 45. <u>Pacific Community Services, Inc. – California Theatre Organ Restoration (3rd Year)</u>
Restore and reinstall the 1928 Robert Morton Theatre Organ originally built for the historic California Theatre in Pittsburg. This year the pipe ranks, wind system, and the electronics and controls will be rebuilt. | \$5,000 |
| 46. <u>People Who Care Children Assoc. – After-School Green Jobs Youth Training</u>
Provide job training to 12 at-risk youth in several “green technologies.” Training in LEED lighting, and solar battery powered mini off grid electric systems for multiple uses, model green off grid homes, decks, and other hands on projects. | \$10,000 |
| 47. <u>Pittsburg Arts and Community Foundation, Inc. – Learning Advantage Project</u>
Provide tutoring to 25 students between the ages of 6-18 who are experiencing skill development problems with reading and math. | \$8,000 |
| 48. <u>Pittsburg Arts and Community Foundation, Inc. – Library Signage Project</u>
Purchase 116 signs in English and Spanish for the Pittsburg Library to help visitors find books and other material available for their use. | \$3,000 |
| 49. <u>Pittsburg Community Emergency Services, Inc. – PICES (Feeding the Hungry)</u>
Operate the food pantry program to help feed the hungry in Pittsburg and Bay Point. The organization is run entirely by volunteers and relies on donations to pay for operational expenses and food. Approximately 5,000 people per year are provided food. | \$5,000 |
| 50. <u>Pittsburg Unified School District – Academic Achievers Association</u>
Sponsor the Academic Achievers program by holding a quarterly ceremony and luncheon to encourage and recognize students who obtain a GPA or 3.0 or above. | \$3,000 |
| 51. <u>Pittsburg Unified School District – MLK Science Project</u>
Engage students at the Martin Luther King Jr. Junior High School by helping them Transition to the Common Core Curriculum and Next Generation Science Standards by establishing a lab/project based science program that teaches through discovery, problem solving and real life application. | \$5,000 |

Exhibit A

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| 52. <u>Presidio Village Senior Housing – Presidio Village Activity Fund</u>
Provide a variety of activities for seniors living at the Presidio Village Senior Housing development in Pittsburg. | \$500 |
| 53. <u>Rehab Services of Northern CA – Scholarships</u>
Provide financial scholarships to low-income individuals so they participate in the Bedford Center adult day care program. Scholarships to three individuals will be provided. | \$5,000 |
| 54. <u>Rotary Club of Pittsburg Foundation – Encourage Love of Learning</u>
Provide dictionaries to approximately 1,000 third grade students to encourage a love of learning and literacy. | \$8,000 |
| 55. <u>Soroptimist International of Pittsburg – Kidz on Target</u>
Provide approximately 100 children that have been referred by the Contra Costa County Social Services Department with a shopping spree to purchase school clothes, and provide the kids with a back pack with school supplies and a book to take home. | \$3,500 |
| 56. <u>Soroptimist International of Pittsburg – Reading Project</u>
Teach the residents of Pittsburg/Bay Point youth and adults the benefits of reading by providing books and a hands-on literacy programs to foster their interest in reading and self-improvement. | \$2,000 |
| 57. <u>St. Vincent de Paul – Family Resource Center</u>
Operate the Family Resource Center that provides meals, a food pantry, free medical clinic and other “safety net” services to low income persons. | \$10,000 |
| 58. <u>Stoneman Village – Dinner Meal Program</u>
Help subsidize the provision of one nutritious meal five days a week to low-income, elderly and handicapped individuals who reside at Stoneman Village and Stoneman Village II in Pittsburg. | \$10,000 |
| 59. <u>The Network of Care - Feed Families of Hospitalized Children</u>
Provide free meals to families of children who are hospitalized at Children’s Hospital Oakland, UCSF Children’s Hospital, Kaiser Walnut Creek, and California Pacific Medical Center. | \$1,656 |
| 60. <u>Youth Intervention Network</u>
The program will engage youth in Antioch, ages 10-18, who because they are truant and/or academically disengaged are likely to commit or become victims of violence without the appropriate interventions. | \$10,000 |
| 61. <u>CCC Department of Conservation and Development – District V Code Enforcement</u> | \$90,000 |

Exhibit A

Address complaints of junkyards, illegal dumping, abandoned properties, illegal land-use, substandard/unsafe buildings, illegal/unsafe mobile homes, construction without permits and abandoned vehicles.

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| 62. <u>CCC General Services Department – East County Beautification Program</u>
Provide community beautification through roadside cleanup of litter, trash, appliances, tires, abandoned vehicles and other waste materials, as well as landscape maintenance in unincorporated areas of Bay Point in District V. | \$35,000 |
| 63. <u>CCC County Counsel Office – Code Development and Compliance Attorney</u>
Provide legal support to the Board of Supervisors, Department of Conservation and Development, and other staff responsible for the effective and timely development, adoption, implementation, and enforcement of zoning, building, housing, and other ordinances. | \$95,000 |
| 64. <u>CCC Health Services Department – Calli House Youth Shelter</u>
Provide shelter and reunification services to runaway and homeless youth ages 14-21 in Contra Costa County. The funds will be used to support 20 homeless youth from Primary and Secondary Target areas of District V. | \$10,000 |
| 65. <u>Contra Costa Health Services – Healthy and Livable Pittsburg Project</u>
Engage at least 40 residents in the Healthy and Livable Pittsburg project by increasing knowledge of the social and determinants of health, food systems and the build environment. Participants will be able to describe the root causes of health inequities and what kinds of policies might reduce health inequities and improve the overall health of their community. | \$4,000 |
| 66. <u>CCC EHSD Service Integration Program – Bay Point Works Community Career Center</u>
Operate Bay Point Works - a neighborhood-based program that strives to advance the economic well-being of unemployed, underemployed and “working poor” Bay Point residents, while providing them with significant and meaningful opportunities to be an active force in revitalizing their community. | \$7,500 |
| 67. <u>CCC Library – Adventure Read (Bay Point Library)</u>
The library will provide a community read for children, which will foster a culture of readers and early literacy, by distributing a highly popular children’s book throughout the community and support children and parents with book-related programs. | \$5,000 |
| 68. <u>CCC Library – Adventure Read (Pittsburg Library)</u>
The library will provide a community read for children, which will foster a culture of readers and early literacy, by distributing a highly popular children’s book throughout the community and support children and parents with book-related programs. | \$5,000 |
| 69. <u>CCC Sheriff’s Office – Resident Deputy</u> | \$175,000 |

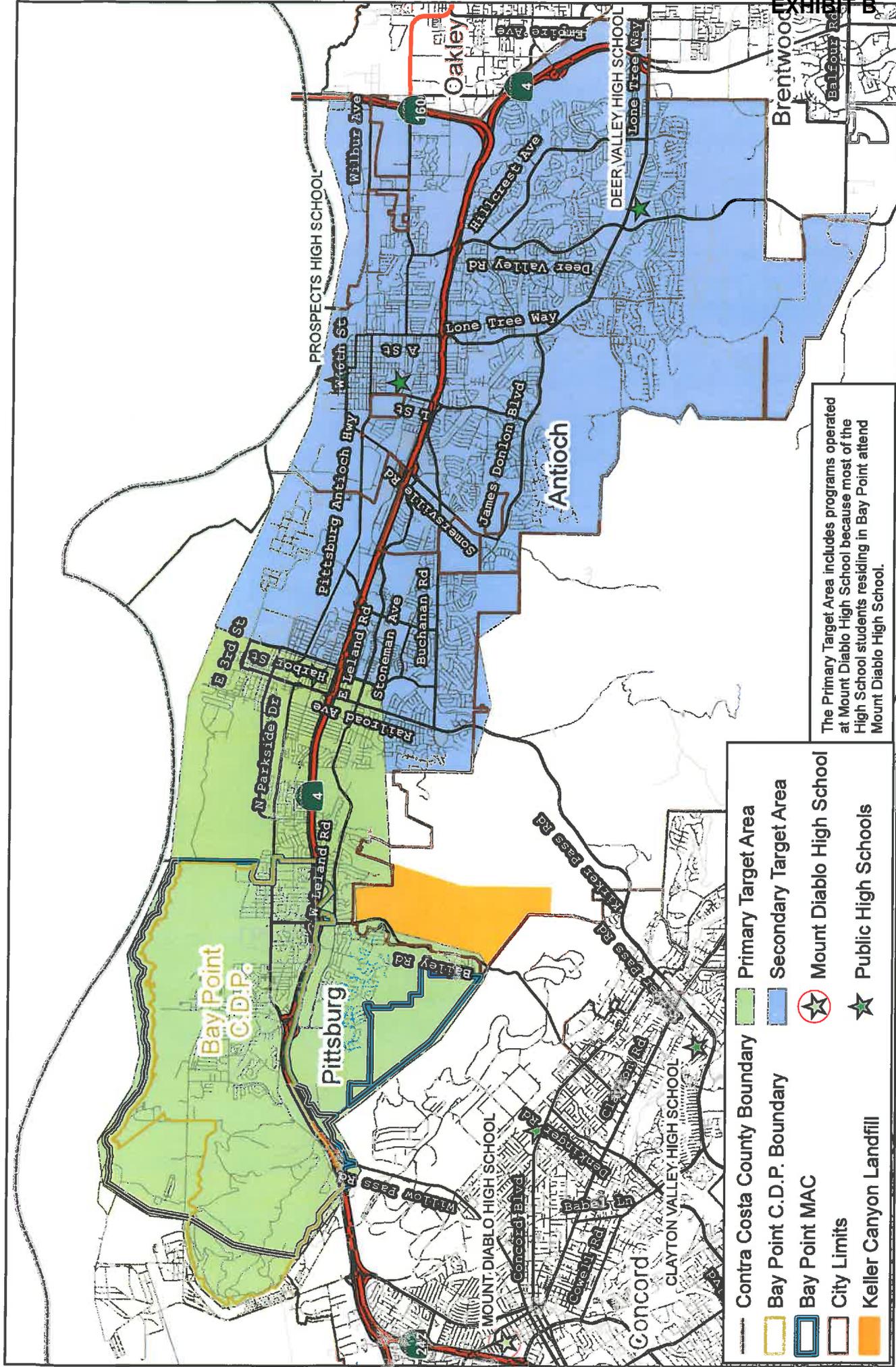
Exhibit A

- Provide enhanced law enforcement services to Bay Point to enhance the ability to significantly improve residents' quality of life.
70. CCC Sheriff's Office – School Resource Officer \$175,000
Provide one uniformed officer within the Mt. Diablo School District in Bay Point to establish a safe school environment and promote the positive development of Bay Point youth.
71. CCC Sheriff's Office – BP Annual Holiday Dinner and Toy Give Away \$8,000
Assist in financing the Office of the Sheriff's the annual Bay Point Christmas Dinner and Toy Drive. The event is free to Bay Point residents and targets local youth.
72. CCC Sheriff's Office – BP Bike Safety Rodeo \$3,500
Assist in financing the Office of the Sheriff's the annual Bay Point Christmas Dinner and Toy Drive. The event is free to Bay Point residents and targets local youth.
73. CCC Workforce Development Board – Northern Waterfront Business Initiative \$35,000
Design and implement a process to enhance business recruitment efforts into industrial land along the northern waterfront in Bay Point, Pittsburg, and Antioch. At least four businesses will be recruited during the year.
74. CCC Department of Conservation and Development – KCMF Administration \$50,000
Assist District V staff in managing and administering the FY 2013/14 Keller Canyon Mitigation Fund program.
75. District V Staff – KCMF Target Area Staff Services \$100,000
Funding will support the growing needs of constituents in District V through the revision of staff focused on the KCMF target areas
76. District V (via CCC Public Works Dept.) – Bay Point Crossing Guard Program \$66,000
Provide State approved school crossing guards at 10 Bay Point intersections.
77. Bay Point MAC – Municipal Advisory Council Operations \$2,000
Funding will support the advisory council's activities throughout the year. The MAC provides advice and recommendations to the Contra Costa County Board of Supervisors on planning issues and services provided in Bay Point.
78. District V Events - Peace In The Streets/Youth Summit/Non-Profit Development – Seminars/Relay for Life \$50,000
Funding will support several community events including: Peace in the Streets, Youth Summit, Small Business Workshops, Grant writing seminars and participation in Relay For Life. These events provide opportunities to enhance and educate residents in the KCMF target areas.

Exhibit A

79. <u>District V Interns – Internships Providing Assistance with KCMF</u> Funding will provide a stipend for summer and winter internships at the District V office.	\$15,000
80. <u>KCMF Review Committee/Keller Reception – Networking Event for KCMF Funded Agencies</u> Funding will support the annual reception for service providers who receive funding from the Keller Canon Mitigation Fund. Participants share with attendees the scope and nature of the services they provide and collaborate on service expansion. The allocation includes the cost of food, rental and other charges related to the reception.	\$3,000
TOTAL	\$1,284,656

Keller Canyon Landfill Target Area Draft Map



	Primary Target Area
	Secondary Target Area
	Mount Diablo High School
	Public High Schools
	Contra Costa County Boundary
	Bay Point C.D.P. Boundary
	Bay Point MAC
	City Limits
	Keller Canyon Landfill

The Primary Target Area includes programs operated at Mount Diablo High School because most of the High School students residing in Bay Point attend Mount Diablo High School.



Map created 3/11/2011
 by Contra Costa County Department Conservation and Development
 Community Development Division—GIS Group
 651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0085
 37.58°48.455N 122.06°35.354W
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EXHIBIT B

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).

D.4

**THE BOARD OF SUPERVISORS OF
CONTRA COSTA COUNTY, CALIFORNIA**

Adopted this Order on July 16, 1996, by the following vote:

AYES:

NOES: (See below for vote)

ABSENT:

ABSTAIN:

SUBJECT: Keller Canyon Landfill Mitigation And Property Valuation

The Board considered the recommendations presented by Phil Batchelor, County Administrator, and Val Alexeeff, Director, Growth Management and Economic Development Agency, regarding the Keller Canyon Mitigation Fees and property valuation as set forth in the report to the Board, copy attached and included as a part of this document.

The following persons spoke:

Nancy Parent, 64 E.4th Street, Pittsburg;

Butch Hansen, member, Chamber of Commerce, 298 Heron Drive, Pittsburg;

Renee' Goldstein, representing Gary Yancey, Contra Costa County District Attorney's office;

Ben Johnson, American Legion, 1120 Laurel, Pittsburg;

Kathy Smith, General Services and John Cullen, Social Services;

Frank Aiello, 1734 Bridgeview, Pittsburg;

Mary Erbez, 163 Redondo Drive, Pittsburg;

George Delacruz, member, Bay Point Municipal Advisory Council, 3569 Sharon Court, Bay Point;

A.B. McNabney, Delta Environment Science Center and Mt. Diablo Audubon Society, 1161 Leisure Town #7, Walnut Creek;

Janess Hanson, Sierra Club member, 431 Levee Road, Bay Point;

Cyndee Nieves, Family Stress Center, 2086 Commerce Avenue, Concord;

Stephen Barbata, Delta Environment Science Center, 86 Orchard Estates Drive, Walnut Creek;

Patti Lambert, Ambrose Recreation and Park District, 3105 Willow Pass Road, Bay Point;

Lance Dow, 2232 Concord Drive, Pittsburg;

Joe Canciamilla, Mayor, City of Pittsburg, 2020 Railroad Avenue, Pittsburg;

Ted Radke, East Bay Regional Park District, 834 Carquinez, Martinez;

Rosemary Cameron, East Bay Regional Park District, 2950 Peralta Oaks Court, Oakland;

Jeff Kolin, City Manager, City of Pittsburg, 2020 Railroad Avenue, Pittsburg;

Michael Woods, City Attorney, City of Pittsburg, 2020 Railroad Avenue, Pittsburg;

Henry Clark, General Manager, Local #1, 5034 Blum Road, Martinez.

All persons desiring to speak having been heard, the Board took the following actions:

1. RESOLVED to committ \$1.25 per ton for the City of Pittsburg's Host Mitigation Fees relative to the Keller Canyon Landfill beginning January 1,1997;
2. DIRECTED that the Reserve Funds be used for the City of Pittsburg's Mitigation Fees from January 1, 1997 to July 1, 1997;
3. DIRECTED that to comply with the Countywide Solid Waste Plan, the City of Pittsburg's permit portion of the transfer station be completed within 35 days;
4. DIRECTED that within 35 days negotiations begin for a good neighbor agreement between the County, Browning Ferris Industries and the City of Pittsburg to include resolving issues dealing with air quality, the limitation and types of waste acceptable at the Keller Canyon Landfill, and the valuation issue, and that the subject be revisited in November 1996;
5. DIRECTED the funds (in Item 15 of Exhibit A) in the County Mitigation Program be utilized as Bay Point's Host Mitigation Fees;
6. DIRECTED that the Finance Committee and the East Bay Regional Park District Liaison jointly review future programs and areas of service delivery utilization, with a report to the Board of Supervisors on August 13, 1996.

PASSED by the Board on July 16, 1996, by the following vote:

AYES: Supervisors Rogers, DeSaulnier, Torlakson and Smith

NOES: Supervisor Bishop

ABSENT/ABSTAIN: None

THE BOARD FURTHER ORDERED that the Finance Committee and Supervisor Torlakson meet with the City of Pittsburg and Browning Ferris Industries for further discussion; and continued to September 1996 the valuation issues, with a possible report to the Board on August 13, 1996.

PASSED by the Board on July 16, 1996, by the following vote:

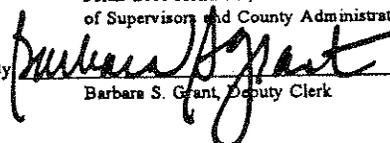
AYES: Supervisors Rogers, Bishop, DeSaulnier, Torlakson and Smith

NOES: None

ABSENT/ABSTAIN: None

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: July 16, 1996
PHIL BATCHELOR, Clerk of the Board
of Supervisors and County Administrator

By 
Barbara S. Grant, Deputy Clerk

c.c. Supervisors
County Administrator
Director, GMEDA
County Counsel
Community Development
City of Pittsburg

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Order on December 20, 1988, by the following vote:

- AYES: Supervisors Powers, Fahden, Torlakson and Schroder
- NOES: None
- ABSENT: Supervisor McPeak
- ABSTAIN: None

SUBJECT: FEES FOR SOLID WASTE ENFORCEMENT) RESOLUTION NO. 88/783 (Govt. Code Sec. 66796.20)

The Contra Costa County Board of Supervisors RESOLVES that:

Pursuant to Government Code Section 66796.20, this Board, as the governing body of the Contra Costa County Health Services Department, the local enforcement agency for solid waste standards (Government Code Section 66796), hereby prescribes and establishes a solid waste tonnage fee, to be imposed on each operator (Government Code section 66714.7). Effective January 1, 1989 said fee shall be twenty five (25) cents per ton on all operators. Said fee shall be assessed at the disposal sites and transfer stations (including interim transfer stations) operating in Contra Costa County. The tonnage used to determine the tonnage fee shall be based upon the tonnage of solid wastes reported by the site operators to the appropriate Regional Water Quality Control Board or the County. If the operator does not use a disposal site or transfer station in Contra Costa County, the tonnage fee shall be assessed to the solid waste collection company. The method of measurement of the tonnage fee assessed to the solid waste collection company shall be acceptable to the County Community Development and Health Services Departments. The fees shall be paid on a quarterly basis to the County of Contra Costa. If fees are assessed at transfer stations, no fee for those wastes shall be assessed at the disposal sites.

Upon the fees from this resolution becoming effective, Resolution No. 86/203 is superseded.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: DEC 20 1988
PHIL BATCHELOR, Clerk of the Board of Supervisors and County Administrator

By A Joseph Deputy

cc: Distribution via Community Development Environmental Control Div.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Order on November 14, 1989, by the following vote:

AYES: Supervisors Powers, Fahden, Schroder, McPeak and Torlakson
 NOES: None
 ABSENT: None
 ABSTAIN: None

SUBJECT:

FEEES FOR SOLID WASTE)	RESOLUTION NO. 89/738
MANAGEMENT PLANNING)	(Pub. Resources Code,
(Stats. 1989, ch. 1095))	SS 41900 et seq.)

The Contra Costa County Board of Supervisors RESOLVES that:

1. This Board is responsible for preparing, adopting and implementing a countywide integrated waste management plan, and a countywide siting element pursuant to new Public Resources Code chapters 4 (\$ 41700 et seq.) and 5 (\$ 41750 et seq.)
2. Pursuant to Public Resources Code section 41901, the County may impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing an integrated waste management plan.
3. Pursuant to Public Resources Code section 41901, a fee of \$.95 per ton is hereby imposed on all solid waste operators, as defined in Public Resources Code section 40160, operating in Contra Costa County, including those operators operating solely within an incorporated city. Said fee shall be assessed at the disposal sites and transfer stations (including interim transfer stations) owned and operated by Acme Fill Corporation; Contra Costa Solid Waste, Inc. and G.B.F. Company; and Richmond Sanitary Service (hereinafter collectively referred to as "site operators"). The tonnage used to determine the tonnage fee shall be based upon the tonnage of solid wastes reported by the site operators to the appropriate Regional Water Quality Control Board or the County. If the operator does not use a disposal site or transfer station in Contra Costa County, the tonnage fee shall be assessed upon the solid waste collection company. The method of measurement of the tonnage fee assessed upon the solid waste collection company shall be acceptable to the Community Development Department. The fees shall be paid on a monthly basis to the County of Contra Costa (care of the Community Development Department), and shall be due on the last day of the month. If fees are assessed at transfer stations, no fee for those wastes is to be assessed at the disposal sites.
4. Pursuant to Public Resources Code section 41901 (Stats. 1989, ch. 1095), this resolution becomes effective and operative on January 1, 1990.

Orig. Dept.: Community Development
 cc: County Administrator
 Auditor-Controller
 Acme Fill Corp. (via CDD)
 Richmond Sanitary Service (via CDD)
 Contra Costa Solid Waste, Inc. (via CDD)
 County Counsel (LTF)

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 14, 1989
 PHIL BATCHELOR, Clerk of the Board
 of Supervisors and County Administrator

By *A Joseph* Deputy

RESOLUTION NO. 89/738

PDF

Return

D. 1

To: Board of Supervisors**From: Catherine Kutsuris, Conservation
& Development Director****Contra
Costa
County****Date: July 27, 2010****Subject: SURCHARGE TO BE IMPOSED AT KELLER CANYON LANDFILL FOR BAILEY ROAD
RECONSTRUCTION & MAINTENANCE PURSUANT TO LAND USE PERMIT CONDITIONS OF
APPROVAL****RECOMMENDATION(S):**

- APPROVE** the establishment of a \$0.32 per ton fee ("Bailey Road Improvement Disposal Surcharge"), pursuant to Condition of Approval 29.6 of the Keller Canyon Landfill Land Use Permit 2020-89 (Exhibit A), to be imposed for waste disposed at the Keller Canyon Landfill on or after January 1, 2011, but only until such time as a total of \$1,193,000 is collected;
- APPROVE** the establishment of a per ton fee ("Bailey Road Maintenance Disposal Surcharge"), pursuant to Condition of Approval 29.7 of the Keller Canyon Landfill Land Use Permit 2020-89 (Exhibit A), the fee amount of \$0.68 shall remain in effect for waste disposed at the Keller Canyon Landfill between January 1, 2011 and December 31, 2015, at which time one component of this fee would sunset resulting in a one-time fee reduction of \$0.27 on January 1, 2016; and

 APPROVE OTHER RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEEAction of Board On: **07/27/2010** APPROVED AS RECOMMENDED OTHER**Clerks Notes:**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: July 27, 2010

David J. Twa,

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
 Gayle B. Uilkema, District II Supervisor
 Mary N. Piepho, District III Supervisor
 Susan A. Bonilla, District IV Supervisor
 Federal D. Glover, District V Supervisor

BY: June McHuen, Deputy

Contact: Deidra Dingman (925) 335-1224
 cc: Billilee Bianagan Telma Morica Adelina Huerta

RECOMMENDATION(S): (CONT'D)

3. **AUTHORIZE** the Director of Conservation and Development, or designee, to administratively adjust the Bailey Road Maintenance Disposal Surcharge every five years, based on the percentage change in the Engineering News Record (ENR) Construction Cost Index (CCI) for the San Francisco Bay Area for the 60-month period ending with the June index of the most recent calendar year, initial adjustment on January 1, 2016 to be applied to the base fee of \$0.41 per ton.

FISCAL IMPACT:

No impact to the County's General Fund. 100% tonnage fees.

BACKGROUND:

Land Use Permit (LUP) #2020-89 was approved by the County Board of Supervisors in July 1990 allowing the development of the Keller Canyon Landfill (KCL), which opened in May 1992. KCL is operated by the Keller Canyon Landfill Company (KCLC) which is a subsidiary of Republic Services Inc.

Bailey Road serves as the designated access route for waste hauling truck traffic between Highway 4 and the entrance to Keller Canyon Landfill. The City of Pittsburg and unincorporated Contra Costa County boundaries are located along Bailey Road in various segments as shown on the attached Mitigation Fee Map (Exhibit B). Some segments of Bailey Road are entirely within and maintained by the County, while other parts are located within and maintained by the City of Pittsburg.

LUP 2020-89 includes multiple conditions of approval establishing the extent of the KCL's financial responsibility for improving and maintaining a segment of Bailey Road (Exhibit A). The Public Works Department conducted a Pavement Study in 2006 along with ongoing coordination with the City of Pittsburg and KCLC to determine the cost for the improvements and necessary maintenance of Bailey Road.

Contra Costa County initiated a multi-year discussion with the City of Pittsburg regarding the process used to determine KCL's proportionate financial responsibility and recommended disposal surcharges (fees) to cover costs for improvement and maintenance of segments of Bailey Road. Staff is recommending the Board consider establishment of both Bailey Road Disposal Surcharges at this time. Following is a summary of both the Bailey Road Disposal Surcharges the County is expected to establish and Keller Canyon Landfill Company would then impose pursuant to the Land Use Permit Conditions of Approval.

**Bailey Road Improvement Disposal Surcharge
(\$0.32 per ton disposed until a total of \$1,193,000 has been collected)**

Condition of Approval 29.6 requires that the Landfill developer conduct a Pavement Study of the Bailey Road roadway segment from the Pittsburg city limits to the Highway 4 interchange to determine the improvements necessary to reconstruct the right hand (outside) traffic lanes. A pavement study conducted in 2006 identified the necessary improvements for the reconstruction of Bailey Road within unincorporated Contra Costa County. Based on the engineer's estimate, the expected cost of these improvements is \$1,193,000 (Exhibit C).

The City of Pittsburg is currently in the process of developing and finalizing the improvement plans, specifications, and cost estimates for the Bailey Road Reconstruction project within the limits shown in Exhibit B. KCLC is expected to submit to the County a lump sum payment of \$1,193,000 to satisfy their financial responsibility pursuant to Condition of Approval 29.6 upon the County's establishment of the per ton disposal surcharge. The imposition of this \$0.32 per ton fee shall take effect on January 1, 2011 and remain in effect until such time as a total of \$1,193,000 is collected.

The amount of tonnage disposed fluctuates both seasonally and year-to-year based upon changes in a number of socioeconomic factors (shifts in the total numbers of: occupied households per income level, persons per household, operating businesses, construction projects, jobs/employment and sales) which are difficult to predict or estimate with any degree of certainty. The average actual reported disposal tonnage between 2003 and 2009 equates to an average of about 2,600 tons per day, which is roughly equivalent to the disposal tonnage actually received in 2009. However, the average daily disposal tonnage per year during that period varied from a high of 2,756.57 tons per day in 2006 to a low of 2,482.25

tons per day in 2008. Future actual disposal tonnage may be substantially different than current or past years, considering that Keller Canyon Landfill is currently permitted to accept up to 3,500 tons per day for disposal and has applied to amend their Land Use Permit to increase their daily disposal limit to 4,900 tons per day. These disposal tonnage fluctuations basically make it impossible for staff to recommend a reliable sunset date.

Therefore, staff anticipates working closely with KCLC to ensure timely submission and monitoring of monthly reports showing the actual disposal tonnage and amount of per ton Bailey Road Improvement Disposal Surcharge funding collected. KCLC will be directed to include this information in the monthly tonnage and fee worksheets submitted to the Department of Conservation and Development. To monitor progress and maintain a record of the total collected, the reported amounts of tonnage and Disposal Surcharge funding collected per month will routinely be compiled by staff which will be useful tool in identifying anticipated sunset date, when appropriate.

A Funding Agreement will be executed, when authorized under a separate Board agenda item, to transfer the funding received from KCLC for the Bailey Road Reconstruction Project to the City of Pittsburg.

Bailey Road Maintenance Disposal Surcharge (\$0.68 per ton disposed for the first five years and adjusted every five years thereafter)

Condition of Approval 29.7 requires the landfill operator to impose a surcharge, when established, for the maintenance of Bailey Road between the Highway 4 interchange and the landfill entrance. The extent of this maintenance responsibility is depicted on the attached Mitigation Fee Map (Exhibit B).

The current pavement condition varies along this segment of Bailey Road. Based on the 2006 pavement study, traffic counts, and calculations of the Equivalent Single-Axle Load (ESAL), Keller Canyon's responsibility to maintain the Bailey Road segment over the operating life of the landfill is expected to be addressed through the establishment of a Maintenance Disposal Surcharge with two separate per ton components that would be imposed simultaneously. The total Maintenance Disposal Surcharge recommended for the initial five year period ending on December 31, 2015 is \$0.68 per ton.

The primary component of the recommended Maintenance Disposal Surcharge would remain in effect while the landfill is in operation and would initially be set at \$0.41 per ton (Exhibit D) and then adjusted administratively every five years with preliminary adjustment to occur on January 1, 2016. To address the increase in maintenance costs overtime, this fee amount would be adjusted on January 1st of every five year interval based on the percentage change in the Engineering News Record (ENR) Construction Cost Index (CCI) for the San Francisco Bay Area. Staff expects to calculate the percent change to be applied to the Maintenance Surcharge using the 60-month period ending with the June index of the calendar year.

An additional supplemental component of the Maintenance Surcharge is proposed for the segments along Bailey Road that are not currently part of the City of Pittsburg's reconstruction project. This covers two segments: the segment between the Highway 4 westbound on-ramp and eastbound off-ramp and the segment between West Leland Road and the landfill entrance (Exhibit B).

The two segments described above were reconstructed by various parties (Caltrans, City of Pittsburg, and Landfill) in the early 1990s. In 2004, County road maintenance crews performed a double chip seal and slurry seal on both of these segments. As part of the Bailey Road Pavement Study in 2006, pavement deflection tests were performed by the County's Materials and Testing Lab. The Pavement Study did not indicate a structural deficit in these segments at that time, but did identify that reconstruction was needed on Bailey Road from the south on/off-ramp to West Leland Road. Thus, reconstruction of this segment is being performed by the City of Pittsburg.

The maintenance treatments proposed (slurry seal, microsurfacing, cape seal, and nova chip) as part of the road maintenance surcharge do not provide any structural integrity to the pavement section. They merely protect the pavement from water infiltration and provide a wearing surface. The landfill's Land Use Permit establishes that Bailey Road be constructed to a 20-year pavement design life. Since the majority of Bailey Road was constructed in the early 1990s, it would require reconstruction in the early 2010s. The road maintenance surcharge proposed assumes pavement reconstruction would occur at 20-year intervals and maintenance treatments at five year intervals. While the section between the south on/off-ramp to West Leland Road will be reconstructed in 2011, full monies for reconstructing the other segments would not be available until 20 years after the road maintenance surcharge would be established. If we assume

the road maintenance surcharge is established next year in 2011, full monies for reconstruction would not be available until 2031. This poses a problem for the two segments in question since they were last reconstructed in the early 1990s.

In order to extend the pavement design life of the structural section for another 20 years, a two-inch overlay is proposed to occur in five years. The two-inch depth is an industry standard for one lift of asphalt concrete and would require a geosynthetic pavement fabric to seal the pavement from moisture. In order to fund this overlay in five years, a supplemental component of this Maintenance Surcharge is recommended in the amount of \$0.27 per ton. The supplemental component of the Maintenance Surcharge would be added to the primary component, however would sunset after five years.

The per ton Maintenance Surcharge established by the Board is expected to be imposed by KCLC effective January 1, 2011 and remain in effect throughout the operating life of the landfill. Maintenance Surcharge revenue collected will be deposited into interest bearing trust funds established pursuant to Section 913-8.002 of the Contra Costa County Ordinance Code. The interest accrued on the amount collected shall continue to accumulate in the trust account and shall be expended for administration, design and construction of the improvements, or to reimburse the County for the cost of constructing the improvements, pursuant to Section 913-8.006 of the County Ordinance Code.

The terms of the agreement for the transfer of a portion of the maintenance surcharge due to the City of Pittsburg will be finalized by a separate Board action and the execution of a separate Funding Agreement.

CONSEQUENCE OF NEGATIVE ACTION:

Keller Canyon Landfill is required to collect the per ton disposal surcharges established by the County, so if no per ton disposal surcharges are established there is no means to satisfy the requirements of Condition 29.6 and 29.7 of the landfill's Land Use Permit. Additionally, no funding could be collected to help fund Bailey Road improvements and maintenance and therefore the County and City would have to bear the entire cost of pavement reconstruction and maintenance.

Special Revenue: Keller Canyon Landfill Surcharge and Mitigation Fees

Authority to Collect: 1992 Board Order and 1994 Franchise Agreement, as amended; 1994 Land Use Permit amendment

Source of Funds: Keller Canyon Landfill Company (Republic Services). Revenue received monthly and allocated on a fiscal year basis. Current surcharge amount established by the County in 1994. This 25% surcharge is calculated based on base rate revenue received by Keller Canyon Landfill. Surcharge payments include the \$3 per ton Mitigation Fee, \$1.75 per ton is for the District V administered Landfill Mitigation Fund and \$1.25 per ton is for City of Pittsburg Mitigation fund (1996 Board Order). Balance of 25% Surcharge is deposited in the County General Fund and allocated to various County Departments. See binder tab # 3 for 25% Surcharge applied to waste transferred through the Contra Costa Transfer & Recovery Station.

In 1992, the County adopted a \$43.05 interim gate rate for the Keller Canyon Landfill. *Note: Host Community Mitigation Fee was not originally required by the conditions of approval of the land use permit.*

Purpose of Funds at Genesis: The surcharge was general purpose revenue and has been allocated for County department operations.

The original 1992 Board Order specified that the mitigation funds can be used for a list of items; item #5 broadly specified 'Other program and services to the citizens of Contra Costa County'. The Board later designated that the funds should be used to mitigate effects of landfill site by funding community-based organizations and County Departments for programs in the following areas:

- a. Youth Services
- b. Code Enforcement
- c. Community Beautification
- d. Public Safety
- e. Community Services

The 1994 amendment to the Land Use Permit specified that "the fee shall be used as directed by the Board in its sole discretion: 1) to mitigate general impacts of the Landfill-generated traffic on the County's road system, 2) to mitigate the general impacts of the Landfill on open space, existing and proposed recreational facilities, and agriculture, or 3) to mitigate any general impacts of the Landfill upon the surrounding community."

Level of Board Discretion Over Use of Funds: The Board has complete discretion over the surcharge funds and broad discretion over use of the mitigation funds within or to benefit the community surrounding the landfill.

Method of Disbursement: In May 2011, the Board of Supervisors approved new policies governing the administration of the Keller Canyon Mitigation Fund (KCMF) including requiring the establishment of the KCMF Review Committee who makes funding recommendations for the use of the mitigation funds. The Committee's recommendations are considered by the Board of Supervisors on a yearly basis (typically in August). The Department of Conservation and Development provides staff support to the KCMF Review Committee.

The County Administrator's Office makes recommendations to the Board of Supervisors through the annual budget process for the use of the surcharge funds.

Current Estimated Balance: \$ 0 surcharge (these are General Fund dollars any excess falls into 0005 balance at year end)
\$ 450,600 mitigation

Annual Estimated Revenue: \$ 1,915,000 (surcharge)
\$ 1,233,000(mitigation fee \$1.75/ton)
\$ 1,456,000 (General purpose revenue: 0005:9122)