



**Contra
Costa
County**

To: Board of Supervisors
From: FINANCE COMMITTEE
Date: December 3, 2013

Subject: Livable Communities Trust Fund

RECOMMENDATION(S):

Adopt findings and report from the Finance Committee regarding the Livable Communities Trust Fund and update Contra Costa County Board-Administered Special Revenue Reference Book (originally compiled by the County Administrator's Office for the Internal Operations Committee 2009).

FISCAL IMPACT:

None.

BACKGROUND:

On September 17, 2003, the County Administrator requested that the Board of Supervisors refer to the Finance Committee a review of special revenues administered by the Board of Supervisors and a review of the current policy governing the use of special revenues. The item was brought to Committee on October 14, 2013. The Finance Committee directed staff to provide all relevant documents to the Livable Communities Trust (Fund 133700) at its November meeting for a thorough review of the trust in conjunction with a review of the Board's policy on administering special revenues. The attached materials were provided to the Finance Committee by Catherine Kutsuris, Director of the Department of Conservation

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/03/2013** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

NO: Mary N. Piepho, District III
Supervisor

Contact: Lisa Driscoll, County Finance
Director (925) 335-1023

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: December 3, 2013

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

By: June McHuen, Deputy

and Development as relevant to the Livable Communities Trust Fund. The materials include financial materials and seven Board Orders (including transcription excerpts from the meetings of June 25, 2002 and July 9, 2002). Included in the Board Orders was the Contra Costa County Smart Growth Action Plan, which was adopted on August 1, 2000.

BACKGROUND: (CONT'D)

The Finance Committee reviewed the attached materials and held a discussion regarding the initial establishment and purpose of the monies held in the Trust Fund.

The Contra Costa County Smart Growth Action Plan, Section 3.G., included the establishment of a Livable Communities Trust. The plan included direction to "explore the establishment of a "Livable Communities Fee" to be assessed on development by the County and Cities. These fees would be deposited into a dedicated "Livable Communities Fund" and be used to fund projects which: (1) clean up land for redevelopment or enhance the tax base and increase jobs near existing housing; (2) enable communities to meet affordable and regional fair share housing goals through construction, development and renovation of affordable and senior housing; (3) promote innovative land use planning and design principles that encourage mixed use and infill development; (4) promote economic revitalization and urban infill communities, or (5) to help fund transit and other transportation improvements which foster smart growth principles." The plan also stated that "As incentive to implement smart growth principles, this fund may be allocated to jurisdictions which are implementing smart growth strategies." On July 9, 2002 the Board of Supervisors adopted Resolution No. 2002/262 approving the Camino Tassajara Combined General Plan Amendment. The resolution included conditions of approval that required the establishment of a Livable Communities Trust Fund. On November 15, 2005, the Trust was formally established by the Board of Supervisors. Since that time, the Trust has received \$6.4 million in deposits. Although the Board has approved a few small allocations, no transfers out of the fund have been made.

After a thorough review, the Finance Committee affirmed and recommended the following:

The Livable Communities Trust Fund has a countywide purpose and may be spent in any area of the county consistent with the guidelines discussed below. The use of the monies was also discussed as part of the motions made by the Board of Supervisors when approving the Alamo Creek project and Camino Tassajara General Plan Amendment and the permitted use of the monies is clearly defined in the Contra Costa County Smart Growth Action Plan. Monies in the fund will be used to fund projects which:

1. clean up land for redevelopment or enhance the tax base and increase jobs near existing housing;
2. enable communities to meet affordable and regional fair share housing goals through construction, development and renovation of affordable and senior housing;
3. promote innovative land use planning and design principles that encourage mixed use and infill development;
4. promote economic revitalization and urban infill communities, or
5. to help fund transit and other transportation improvements which foster smart growth principles.

The funds should continue to be administered by the Department of Conservation and Development. The Department should report on the use of the Trust Fund monies, to the Finance Committee, every six months.

The following updated information is provided for reference:

1. Authority to Collect: November 15, 2005 Board Order establishing a Trust Fund and Resolution No. 2002/262 adopted July 9, 2002, which approved the Camino Tassajara Combined General Plan Amendment.
2. Source of Funds: An \$8,000 per unit fee from Shapell Industries, Braddock and Logan Group II, and Ponderosa Homes for units not identified in the Camino Tassajara Affordable Housing Program.
3. Purpose of Funds at Genesis: To assist with the implementation of the Smart Growth Action Plan, which contains provisions designed to improve the livability of communities throughout the County.
4. Level of Board Discretion Over Use of Funds: The Board has discretion over these funds consistent with the Smart Growth Action Plan.
5. Method of Disbursement: Monies are maintained in a Trust Fund administered by the Conservation and Development Department and have not been distributed.
6. Estimated Balance as of 10/24/13: \$6,374,336 (\$670,320 of this amount is appropriated in the current year) Annual Estimated Revenue: \$670,320

CONSEQUENCE OF NEGATIVE ACTION:

Appropriate use of the funds in the Livable Communities Trust Fund may remain unclear.

CHILDREN'S IMPACT STATEMENT:

None.

CLERK'S ADDENDUM

Staff will bring to the Board, in the future, an item to formally change the name of the fund to The Livable Communities fund. Added item no. 6 to the recommendations of the Finance Committee: "the goal shall be to spend the money equally among supervisorial districts"; and ADOPTED findings and report from the Finance Committee regarding the Livable Communities Trust Fund and UPDATED the Contra Costa County Board-Administered Special Revenue Reference Book.

ATTACHMENTS

Materials Presented to the Finance Committee on the Livable Communities Trust Fund