



# Agenda

## INTERNAL OPERATIONS COMMITTEE

RECORD OF ACTION FOR  
October 12, 2015

Supervisor Karen Mitchoff, Chair  
Supervisor John Gioia, Vice Chair

Present: Karen Mitchoff, Chair  
John Gioia, Vice Chair

Staff Present: Julie DiMaggio Enea, Staff

Attendees: Theresa Speiker, Chief Asst. CAO  
Jason Crapo, County Building Official  
Joe Doser, Environmental Health  
Salvatore Evola, Garaventa Enterprises  
Marilyn Underwood, Environmental Health  
David Gould, Purchasing Svcs Manager  
Cliff Glickman  
Kathy Gallagher, EHS Director  
Camilla Rand, EHSD  
Christine Reick, EHSD  
Krystal Hinojosa, District IV Supervisor's Office  
Linda Wilcox, Deputy County Counsel  
Scott Gordon  
Carlos Velasquez, Fleet Svcs Manager  
Joe Yee, Deputy PW Director  
Agnes Vinluan, Environmental Health  
Janice  
Gayle  
Bart Carr, Contra Costa Solid Waste Authority  
Linda Lavender, District IV Supervisor's Office  
Deidra Dingman, Solid Waste Manager  
Vicky Mead, CAO Management Analyst

### 1. Introductions

*Chair Mitchoff convened the meeting at 2:00 p.m. and self-introductions were made around the room.*

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

*None of the attendees asked to speak during the Public Comment period.*

3. RECEIVE and APPROVE the Record of Action for the September 14, 2015 IOC meeting.

*The Record of Action for the September 14, 2015 Internal Operations Committee meeting was approved as presented.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia  
Passed

4. ACCEPT report on the status of the development of a waste hauler ordinance and provide policy direction to staff.

*Chair Mitchoff invited Bart Carr of the Contra Costa Solid Waste Authority (Authority) to comment. He explained that his agency has one large contract with Republic for solid waste and recycling, and a separate permitting program outside of the franchise for construction and demolition (C&D) disposal, and that contractors can either self-haul or contract with haulers that are permitted under the C&D franchise. He wants to verify that what the Authority has in place for C&D will not be in conflict with the County's ordinance.*

*Chair Mitchoff invited Sal Evola and Cliff Glickman of Garaventa Enterprises to comment. Sal Evola observed that the process to develop a waste hauler ordinance has been a 41-month effort and that some of the policy questions raised in the staff report were areas in which the IOC already provided policy direction, and were being retreaded. Of the 11 items in the report, he noted that staff is again requesting policy direction on five items. His comments on each are below (as numbered in the staff report):*

*(1) Sheriff's Office: Staff has provided the fully-burdened cost (salaries and benefits) of a resident deputy position but that is more than what was contemplated. Instead, Mr. Evola offered to pick up one third of the cost of a Community Services Officer (CSO) (such as is employed by the City of Concord), who would be responsible for code enforcement not just of this ordinance but also graffiti. He noted that the new ordinance could be enforced by any police who witnessed a violation. Supervisor Gioia responded that illegal dumping knows no boundaries, so it's a countywide problem not just an unincorporated (UI) county area problem, and that the County cannot afford countywide CSOs. He suggested raising garbage fees countywide to fund enforcement throughout all law enforcement jurisdictions. The solid waste authorities can decide how to allocate enforcement funding.*

*(2) Performance Bond: Mr. Evola commented that there needs to be some such requirement in the ordinance.*



*(4) Building Inspection/Permit Process: Mr. Evola commented that staff's drafting of the ordinance would place the burden for resolving illegal debris boxes with the franchises rather than with County code enforcement, which is unacceptable. He wants to be able to call the Sheriff or CSO to report an unmarked debris box and have code enforcement notify the violator and, after proper notice, authorize the franchise haul the waste away. Ideally, only Republic or Garaventa (franchise) boxes should be used in the UI county area and should be clearly marked for easy identification. Evidence of proper C&D disposal needs to be required before a certificate of occupancy is issued by Building Inspection. If the permittee fails to provide the required evidence, then the County should levy a fine. The process already exists for the most part and should not be as burdensome as staff represents it to be.*

*Jason Crapo described the building permit process, including requirements for documentation. He indicated that the local building code could be modified to include requirements in the debris recovery plan to document who is doing the hauling. The current code requires receipts showing where debris was disposed but not who hauled it. Building Inspection staff could be assigned responsibility for verifying documentation showing where debris was hauled and who hauled it. He commented that DCD and HSD each have different regulatory roles but can cooperate to enforce the building code, which includes the debris recovery plan. The debris boxes are not covered in the debris recovery plan. However, DCD can assist HSD by providing information about the location and size of construction projects, so there is an opportunity for coordination.*

*(5) Modification of Franchise Agreements: Mr. Evola reiterated that he is amenable to modifying his franchise agreement to conform with the County's ordinance and is waiting for staff to reach out to him.*

*(7) Source separated material: Mr. Evola commented that staff's recommendation was offensive to the franchises. Chair Mitchoff asked staff to work with stakeholders to devise acceptable language.*

*(10) Disposal Within CCC: Mr. Evola suggested that the County try limiting disposal to local sites only and see if it gets challenged. Supervisor Gioia and Scott Gordon commented that State law currently prohibits limiting disposal to within county boundaries and Supervisor Gioia also stated that the County would not proceed with a limitation that it knows is not legal.*

*Chair Mitchoff invited Scott Gordon to comment. Mr. Gordon observed that the ordinance still places the primary enforcement burden on the haulers but he'd like to see the County enforce the ordinance through an integrated system involving the haulers, DCD, HSD and the Sheriff's Office. He said there is no point in having a hauling ordinance unless the enforcement is viable, and to be viable it must be fully integrated to close the net around the illegal activity. He still thinks it is worthwhile to have the Building Inspectors inspect the debris boxes in the field when debris boxes are present at a construction site, since the inspectors are there anyway, rather than only verifying documents in the debris recovery plans.*

*Supv Gioia reiterated that the illegal transfer stations (of which there are approximately 18 countywide) are the biggest issue. The problem that has plagued his district and on which his interest is most focused is the small, unlicensed "Mom & Pop" hauler who has a relationship with an illegal transfer station and who dumps what has value at the transfer station and what is worthless on the street. He said that the County spends over \$1 million countywide to pick up illegally dumped waste, and we are not going to solve the problem without strong enforcement. He added that low-income people cannot generally afford a debris box. Staff commented that regular garbage service includes two bulky item pickups annually at no additional charge. Supervisor Gioia commented that this free service isn't well publicized or known and so isn't fully utilized.*

*Chair Mitchoff expressed frustration about the number of times this has come back to Committee. She asked to see a final draft ordinance at the February 2016 IOC meeting; she preferred to address the enforcement aspect of the ordinance on a separate and parallel track. She asked staff to gather information from law enforcement countywide to see if enforcement costs could be estimated. Supervisor Gioia asked for a commitment from the franchises to raise fees sufficient to fund enforcement of the ordinance countywide. Contra Costa's ordinance can serve as a model ordinance for the cities to emulate. Mr. Evola reiterated his offer to fund one third of the cost of a CSO.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia  
Passed

5. ACCEPT annual report prepared by the Public Works Department on the County's Local Bid Preference Program.

*The Committee accepted the staff report, asked the Purchasing Services Manager to provide more information in future reports about how the Local Bid Preference Program meshes with the Small Business Enterprise and Outreach Programs, and directed staff to forward the staff report to the Board of Supervisors for information.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia  
Passed

6. ACCEPT follow-up report from the Fleet Services Manager on efforts to "green" the County Fleet and CONSIDER approving recommendations on modifying the County's Vehicle and Equipment Acquisition and Replacement Policy, and Clean Air Vehicle Policy and Goals.

*The Committee accepted the staff report with the following modification: Section IV shall be amended to clarify that in the interest of reducing cost and maximizing fuel efficiency and economy, the most appropriate vehicle will be purchased to meet the intended need or purpose. Supervisor Gioia requested staff to include in the follow-up report to the Board of Supervisors data on the number and percentage of new vehicle acquisitions that meet the no/low emission standards.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia

Passed

7. ACCEPT status report from the County Administrator on outstanding issues and information requests stemming from Phase 1 of the Board Advisory Body Triennial Review provide provide direction to staff on further action, if any.

*The Committee concurred with the staff report and recommendations with the special note that strong consideration should be given to merging PEHAB and the Hazardous Materials Commission.*

*With regard to the Economic Opportunity Council (EOC), Kathy Gallagher gave a report about the functioning of the commission and allocation of administrative costs in the Community Services Block Grant (CDBG) budget. Kathy expressed concerns with the direction given by the State for doing the CDBG budget. She disagrees with the state's direction and how inconsistent is it compared to other similar revenue streams within EHSD. She plans on talking to state officials later this month to gain more clarity.*

*In conclusion, the Committee accepted the report and directed EHSD to return in 90 days with a follow-up report after consulting the State on the CDBG budget.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia

Passed

8. ACCEPT report covering the period January - December 2014 and CONSIDER staff recommendations on the Small Business Enterprise Program.

*The Committee noted that some departments are still not reporting under the Small Business Enterprise (SBE) program. Vicky Mead acknowledged that while there is still some resistance to the new format, she noted that not all of the County policy/procedure documents are consistent nor are they located in a central place for easy reference.*

*For some of the larger, high-volume departments such as EHSD, the data compilation is time intensive.*

*Supervisor Gioia would like to see performance highlighted by staff and give underperforming departments an opportunity to communicate what factors are hindering their performance. Departmental performance, as presented, is not accurate because the ratios do not capture all subject transactions.*

*The Committee approved the following staff recommendations:*

- 1. CONTINUE the enclosed SBE report (for the 2014 Calendar year) for additional IOC review in the Spring of 2016, in order to address the quality and sufficiency of data that is being submitted by departments.*
- 2. REQUEST that prior to the next review in Spring 2016, the SBE Coordinators, working with their departmental fiscal and or procurement officers, should verify that the data meets the specifications described above;*

*or, if necessary, submit additional data to conform to the stated data requirements.*

*3. DIRECT CAO and County Departments also to compile SBE program and outreach data for calendar year 2015 during the first quarter (January to March) of 2016.*

*4. CALENDAR a simultaneous review of 2014 and 2015 data by department for the second quarter of 2016, as a basis for ongoing future review of SBE outreach and SBE program participation rates.*

*5. DIRECT CAO to draft a proposed Administrative Bulletin for the SBE program, to take effect 1-1-2017 if possible, reflecting guidelines as well as further program direction provided by LOC and BOS.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia

Passed

9. The next meeting is currently scheduled for November 9, 2015.

10. Adjourn

For Additional Information Contact:

Julie DiMaggio Enea, Committee Staff  
Phone (925) 335-1077, Fax (925) 646-1353  
[julie.enea@cao.cccounty.us](mailto:julie.enea@cao.cccounty.us)



# Contra Costa County Board of Supervisors

## Subcommittee Report

### INTERNAL OPERATIONS COMMITTEE

3.

**Meeting Date:** 10/12/2015

**Subject:** RECORD OF ACTION FOR THE SEPTEMBER 14, 2015 IOC MEETING

**Submitted For:** David Twa, County Administrator

**Department:** County Administrator

**Referral No.:** N/A

**Referral Name:** RECORD OF ACTION

**Presenter:** Julie DiMaggio Enea, IOC  
Staff

**Contact:** Julie DiMaggio Enea (925)  
335-1077

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#### **Referral History:**

County Ordinance requires that each County body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

#### **Referral Update:**

Attached is the Record of Action for the September 14, 2015 IOC meeting.

#### **Recommendation(s)/Next Step(s):**

RECEIVE and APPROVE the Record of Action for the September 14, 2015 IOC meeting.

#### **Fiscal Impact (if any):**

None.

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#### **Attachments**

DRAFT Record of Action for September 14, 2015 IOC Meeting

#### **Minutes Attachments**

*No file(s) attached.*

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# DRAFT



## INTERNAL OPERATIONS COMMITTEE

RECORD OF ACTION FOR  
SEPTEMBER 14, 2015

Supervisor Karen Mitchoff, Chair  
Supervisor John Gioia, Vice Chair

Present: Karen Mitchoff, Chair  
John Gioia, Vice Chair

Staff Present: Julie DiMaggio Enea, Staff

Attendees: John Kopchik, Conservation & Development Director  
Jason Crapo, County Building Official  
Tom Kelly, Alameda County Clean Energy  
Jennifer Qualick, District II Supervisor's Office  
Tom Geiger, Asst. County Counsel  
Jeff Kurtz  
Carol Weed, Climate Change Issues League  
Charles Davidson  
Ann Puntch  
Eve Perez, HERO Program  
Alex DiGiorgio, Marin Clean Energy  
Jim Moita, Acorn Self Storage  
Harry Thurston  
Jack Cooper  
Marie Cohn, Rossmoor  
Nick Despota  
Tyra Wright, CCC Association of Realtors  
Heather Schiffman, CCC Association of Realtors  
Peter Liddell  
Pello Walker, Strategic Marketing Solutions  
Timothy Ewell, Sr. Deputy County Administrator  
Linda Lavender, District IV Supervisor's Office  
Lisa Chow, District IV Supervisor's Office  
Marcus Savage, Ygrene Energy Fund  
Bryan Raymond, Diablo Solar Services  
Bob Campbell, Auditor-Controller  
Russell Watts, Treasurer-Tax Collector  
Ed Diokno, District V Supervisor's Office

1. Introductions

*Chair Mitchoff convened the meeting at 2:38 p.m.*

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

*Jim Moita requested to speak during the general public comment period but was advised by the Chair that the matter about which he wished to speak was not under the jurisdiction of the Internal Operations Committee.*

3. RECEIVE and APPROVE the Record of Action for the special July 27, 2015 IOC meeting.

*The Record of Action for the Special July 27, 2015 Internal Operations Committee meeting was approved as presented.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia  
Passed

4. APPROVE nomination to appoint Aaron Winer to the Business 1 Alternate seat on the Hazardous Materials Commission to complete the unexpired term ending on December 31, 2018.

*The Committee approved the nomination of Aaron Winer to the Business 1 Alternate seat on the Hazardous Materials Commission to complete the unexpired term ending on December 31, 2018, and directed staff to forward the nomination to the Board of Supervisors.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia  
Passed

5. APPROVE plan to transition the terms of office of the Public Member seats on the Integrated Pest Management Advisory Committee from two years to four years and to stagger term expirations, and modifications to the IPM Advisory Committee Bylaws to accord with the seat term transition and to update old references.

*The Committee approved the proposed plan to transition the IPM Advisory Committee seats from two to four years and stagger the seat terms, and also approved the proposed changes to the bylaws to accord with the seat term changes, and directed staff to forward the Committee's recommendations to the Board of Supervisors.*



AYE: Chair Karen Mitchoff, Vice Chair John Gioia  
Passed

6.
  1. ACCEPT report on the Animal Benefit Fund; and,
  2. PROVIDE direction to staff regarding next steps.

*The Committee accepted the staff report on the Animal Benefit Fund and requested a follow-up report from the new Animal Services Director approximately 90 days post-appointment on pending needs and possible one-time uses of the funds.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia  
Passed

7. ACCEPT this report and CONSIDER providing direction to staff regarding next steps to further investigate potential Community Choice Aggregation (procurement of consumer energy) implementation.

*Jason Crapo presented the staff report, which provided background on CCA, its potential benefits, costs, and risks, options for implementing CCA by the County, and potential next steps should the Committee and Board of Supervisors wish to pursue a CCA program.*

*Supervisor Gioia suggested the following steps to begin exploring the CCA in our County:*

- 1. Staff should reach out to Contra Costa mayors and city managers to explain the CCA options and determine their interest in studying the formation of a CCA partnership among the cities and the County, representing the unincorporated areas.*
- 2. Staff should report back to IOC or the Board regarding the potential for partnering with other Contra Costa governments and provide a suggested scope and cost estimates for an RFP and eventual contract for a load/feasibility study, guestimated to cost in the range of \$300,000-\$500,000.*

*The Chair indicated that the Committee was interested in examining all three CCA options described in the staff report, and invited Tom Kelly and Alex DiGiorgio to describe their CCA programs, for Alameda County and Marin County, respectively. Tom Kelly reported that Alameda County recently issued an RFP for a load/feasibility study covering Alameda County and its cities. He added that the technical study and county staff costs represented the most significant project costs so far and that consultant costs were modest. He said that in response to stakeholder interest in how CCA would impact the local economy, the scope of the study will include a labor/job creation component. He expects to have a consultant hired within six weeks and for his County to be in a position to make a decision by the end of the year regarding whether or not to move forward. He noted that San Mateo County is in much the same place as Alameda County, and each county has created a large steering committee of stakeholders to inform the process. He said the Santa Clara County decided to not form a stakeholder steering committee. Tom indicated that the process to establish CCA in his county has been daunting and the idea of*

*partnering with another county at this point seemed overwhelming but might be a possibility at some future point. He said that due to each county's uniqueness, Contra Costa may prefer to establish its own CCA program.*

*Alex DiGiorgio stated that Marin Clean Energy supports Contra Costa County in whatever manner it may choose to offer CCA to its constituents. He reported that it took two years, from 2008 to 2010, to begin serving customers, and the program has been serving customers for five years now. He clarified that Marin Clean Energy (MCE) energy rates are about one dollar less than PG&E and are billed on the PG&E bill. He described how a CCA is both a partner and competitor with PG&E -- partners in the maintenance, delivery, and billing of energy, and competitors in the sourcing (generating or procuring) of energy. Every MCE customer is still a PG&E customer, and ratepayers are free to choose which energy supply portfolio from which to purchase. Ratepayers can opt out at any time, however, there is a one-year waiting period to opt back in to the CCA.*

*Supervisor Gioia clarified that under the legislation, once a CCA is created, ratepayers are automatically placed within the CCA unless they opt out. Alex said that the opt out rate varies by area; in Richmond it is 15-20%. Richmond, El Cerrito and San Pablo are current members of MCE, and Lafayette and Walnut Creek have expressed interest in joining MCE. Chevron is constructing a 10½ MW solar project on a remediated brownfield site that it is leasing to MCE for \$1/year. This project has a 50% minimum local hiring requirement and is funded with "Deep Green" option funding. "Deep Green" funding comes from one of two 100% renewable energy sourcing options offered by MCE. The Deep Green option costs ratepayers one cent/KW or about \$5/month per resident more but helps to build a fund for renewable energy infrastructure. The Deep Green option gives ratepayers a choice regarding where their energy dollars are spent.*

*The Chair invited members of the public to comment. The following individuals spoke in favor of CCA in Contra Costa County:*

*Harry Thurston, Antioch; Carol Weed, Walnut Creek; Charles Davidson; Marie Cohn, Sustainable Rossmore; Marcus Savage, Ygrene; Jim Moita; Bryan Raymond, Diablo Solar Services; Nick Despota, Sunflower Alliance; Pello Walker, Pleasant Hill; Peter Waring. Jim Moita submitted an aerial photo of his self-storage facility in Brentwood that has been fitted with solar panels. He stated that in California, there are two million sq ft of self storage and two billion sq ft nationally. This is a potential source of renewable energy. One MW of energy supplies 1,200-1,500 homes.*

*The City of Walnut Creek sent a letter of support for CCA, attached hereto; and the Contra Costa Clean Energy Alliance provided a brochure, attached hereto.*

*Supervisor Mitchoff asked Alex DiGiorgio how MCE manages Deep Green proceeds that are generated from non-Marin County jurisdictions and DiGiorgio clarified that the funds are currently pooled and managed as one fund by MCE but that segregated funds for geographical areas might be an option for consideration by the MCE board of directors. DiGiorgio mentioned that MCE might soon be making changes to its requirements to join MCE.*

*The Committee directed IOC staff to prepare a Board Order for October 6 recommending that authority be granted to DCD staff to conduct outreach to Contra Costa cities to determine their interest in studying the formation of a CCA, and to begin identify costs for a load and feasibility study, with the goal of having a report back to IOC in December on the status of the outreach to cities with a full report on outreach at the first 2016 IOC meeting.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia  
Passed

8. CONSIDER concerns raised by PACE (Property Assessed Clean Energy) providers regarding the form of the County's operating agreement and related PACE policies.

*In response to concerns that County staff were not moving fast enough to approve PACE provider applications, Jason Crapo explained that final review and approval could not occur on the two applications received until issues raised by the PACE providers regarding the County's PACE Operating Agreement and related policies were decided by the IOC and the Board of Supervisors.*

*The following individuals commented and/or provided clarification on the issues: Eve Perez, Jonathan Keyles, Russell Watts, Bob Campbell, Marcus Savage. Eve Perez submitted an article entitled, "AVM Secrets and Lies", attached hereto.*

*The Committee discussed and accepted public comment on the eight issues outlined in the staff report and made the determinations summarized below. The Committee directed staff to prepare a Board Order for Board discussion in October, recommending the Committee's determinations and, concurrently, transmitting staff's recommendations on the PACE applications submitted by Renew Financial and HERO.*

1. Assessed vs. Fair Market Value

*The Committee decided to recommend to the Board of Supervisors that fair market value be determined using automated valuation supplied to the PACE providers through a third party vendor, or using a certified appraisal if preferred by the property owner.*

2. Contractors Indemnifying the County

*The Committee decided to remove the requirement that contractors indemnify the County, and that the County instead recognize the contractor indemnification language in the Contractor Participation Agreement, to which all participating contractors have agreed.*

3. Contractor General Liability Insurance & Additional Insured Requirements

*The Committee decided to require contractors to carry the industry standard amount of \$1M (vs. \$2M) per occurrence for commercial general liability insurance, strike the requirement for a Builder's Risk policy, and strike the requirement for contractors to add the County as an additional insured.*

4. Lender Consent

*The Committee decided to require Program Participants who own non-residential properties to obtain written consent to participate in the PACE Program from lenders who have made loans to the Program Participant only where the property in question serves as security for the loan.*

5. **Loan Limits for Residential Properties over \$700,000 and for Non-Residential Properties**

*The Committee decided to mirror the loan limits provided in the States PACE Loss Reserve regulations: "The Financing is for less than fifteen percent (15%) of the value of the property, up to the first seven hundred thousand dollars (\$700,000) of the value of the property, and is for less than ten percent (10%) of the remaining value of the property above seven hundred thousand dollars (\$700,000)." The Committee also decided to remove the 20% of value cap on non-residential PACE loans, modify the limitation in the County's Operating Agreement that a PACE assessment cannot result in property taxes exceeding 5% of market (vs. assessed) value, and stipulate in the Operating Agreement that the PACE assessment plus the mortgage related debt on a residential property must not exceed 95% of market value of the property.*

6. **Definition of Residential vs. Non-Residential Properties**

*The Committee agreed to add the following definition to the Operating Agreement: "Non-residential property" is any property that is a multi-family property containing five or more units of housing, or any commercial, agricultural, or industrial property that would otherwise be eligible for PACE financing. It was acknowledged that there is a discrepancy between the State's definition of residential property and the PACE law definition of residential property as "one to three units" and multi-family as "five or more units", leaving properties of four or more units in limbo. The Committee preferred to treat properties of four or less units as residential property for the purpose of the County's PACE Operating Agreement.*

7. **Tax Deductibility Disclaimer**

*The Committee decided to provide in the County's Operating Agreement that PACE providers may recommend that property owners consult with a tax professional prior to claiming any tax deductions associated with the project, and shall not recommend or indicate that homeowners take any particular filing position regarding their annual or semi-annual PACE assessment payments.*

8. **Processing Fee**

*The Committee decided to uphold the one-time \$5,000 County application fee to cover anticipated review and processing costs.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia  
Passed

9. The next meeting is currently scheduled for October 12, 2015.

10. Adjourn

*Chair Mitchoff adjourned the meeting at approximately 4:45 p.m.*



# Contra Costa County Board of Supervisors

## Subcommittee Report

### INTERNAL OPERATIONS COMMITTEE

4.

**Meeting Date:** 10/12/2015  
**Subject:** WASTE HAULER ORDINANCE  
**Submitted For:** William Walker, M.D., Health Services Director  
**Department:** Health Services  
**Referral No.:** IOC 15/8  
**Referral Name:** Waste Hauler Ordinance  
**Presenter:** Marilyn Underwood      **Contact:** Marilyn Underwood (925) 692-2521

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#### **Referral History:**

On May 8, 2012, the Board of Supervisors referred to the Internal Operations Committee a review of the Waste Hauler Ordinance in order to address a number of problems with illegal haulers including:

- complaints that illegal haulers have been hired by private parties to remove refuse, and some of these companies have subsequently dumped the collected material along roadways and on vacant lots.
- incidents in which the Sheriff's Department found refuse haulers with improperly secured loads, which pose a hazard to motorists if items fall onto roadways.
- haulers that have been found transporting the collected materials to illegal transfer stations that have not undergone the required zoning, environmental, and permitting review, and pose significant threats to public health and the environment.
- haulers that have been found collecting residential or commercial garbage in violation of local franchise agreements.
- haulers that are not posting the bond required by Contra Costa County Ordinance Section 418-2.006. This bond is intended to ensure compliance with applicable laws. It is questionable if illegal haulers carry liability insurance, and they may not be in compliance with tax or labor laws.

The Internal Operations Committee held several discussions on this matter over the last three years, during which substantial work and progress were noted. The IOC requested Environmental Health staff to work with the County Counsel to develop a final draft ordinance for circulation to stakeholders for comment, and then for consideration by the IOC. Work on the ordinance was suspended for several months in 2014 but resumed in early 2015.

County staff studied existing agreements with franchise waste haulers to determine the extent to which they might conflict with the County's proposal. This examination necessitated meetings with the franchisees and the waste authorities to clarify and resolve any such conflicts. In July 2015, Environmental Health presented a conceptual draft of the waste hauler ordinance and ten key issues on which policy direction was needed before further work on the ordinance could proceed. The ten issues were discussed and the IOC provided direction to EH to return with a revised draft ordinance in October.

**Referral Update:**

Attached is an update from Environmental Health on the status of the development of a waste hauler ordinance.

**Recommendation(s)/Next Step(s):**

ACCEPT report on the status of the development of a waste hauler ordinance and provide policy direction to staff.

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**Agenda Attachments**

Environmental Health Status Report on Development of Waste Hauler Ordinance October 2015

**Minutes Attachments**

Public Comment #1

Public Comment #2

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## **Contra Costa Environmental Health**

2120 Diamond Blvd., Suite 200

Concord, CA 94520

Phone: (925) 692-2500

Fax: (925) 692-2502

[www.cchealth.org/eh/](http://www.cchealth.org/eh/)



Date: October 5, 2015

To: Contra Costa County Board of Supervisors  
Internal Operations Committee (IOC)

From: Marilyn C. Underwood, PhD, REHS, Director of Environmental Health

Subject: Update on Proposed Revised Refuse Hauler Ordinance  
Contra Costa County Ordinance 418-2

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### **A. Introduction**

At the July 27, 2015, Internal Operations Committee (IOC) meeting, Contra Costa Environmental Health (CCEH) provided an update on the proposed revision to the County's Refuse Hauler Ordinance, Chapter 418-2 of the County Code. The discussion among the parties present identified both improvements to the proposed ordinance and issues requiring further research. The following Section B is a summary of these issues and actions taken since then to explore these issues.

### **B. Follow-up on Items from July 2015 IOC**

#### **1. Sheriff's Office**

The Contra Costa County Sheriff's Office has in the past provided helpful assistance in combating illegal dumping and unpermitted haulers, particularly in regards to vehicles found traveling on county roads. Sheriff's deputies assigned to North Richmond have pulled over refuse haulers on county roads for traffic violations, unsecured loads, no license plate, transporting waste tires without a hauler permit, and not having a valid refuse hauling permit. The proposed role for the sheriff's office is described in the revised Ordinance Section 418-2.003(a) (see latest draft dated October 5, 2015, attached as Exhibit A), though absent this description the Sheriff's Office may still have the authority to enforce.

Funding to support dedicated services of a Resident Deputy would improve the likelihood that the sheriff's office could assist with enforcement to combat illegal hauler and dumping activity. At the July 2015 meeting, the IOC requested estimated costs for a dedicated Resident Deputy. Staff has been advised by the sheriff's office that the maximum annual salary and benefit cost for a full-time Resident Deputy for Fiscal Year 2015/16 ranges between \$233,769 and \$239,506.



## 2. Performance/Surety Bond

The current refuse hauler ordinance, which was adopted in 1960, requires that a \$2,000 bond or cash equivalent be posted with the health officer (see Section 418-2.006). These types of bonds are typically called performance or surety bonds and are used to correct or abate damage that is the result of a code violation. A hauler may also have liability insurance, but typically such insurance does not cover damages that are the result of an illegal act. For example, if a waste hauler illegally dumped material, the surety bond could be used to pay for cleanup costs. The cost of these bonds is commonly based on the credit score assigned to a business. At its July 2015 meeting, the IOC requested a larger bond amount than is currently required and noted that the bond amount should be adjusted for inflation. Below is a table showing bond amounts required by other agencies, as well as the current Contra Costa County bond amount if it were adjusted for inflation.

AGENCY	BOND AMOUNT
Contra Costa County Franchise Agreement Performance Bond & CalRecycle Waste Tire Hauler Bond <sup>1</sup>	\$10,000
Contra Costa County Refuse Hauler Bond (Contra Costa Code Chapter 418-2.006) <sup>2</sup>	\$2,000 or cash deposit
Contra Costa County Refuse Hauler Bond adjusted for inflation <sup>3</sup>	\$16,124
Napa County	\$50,000
Riverside County	Expected average bimonthly gross income
Santa Clara County <sup>4</sup>	As determined by the Director
Sonoma County <sup>5</sup>	\$500 to \$2,500 or cash deposit

### Notes:

1. CalRecycle has hauler submit CIWMB 61 for the bond (copy attached as Exhibit B).
2. Current bond requirement adopted in 1960.
3. Adjusted based on the Bureau of Labor Statistics Inflation Calculator.
4. Currently they have no amount specified.
5. For 500-1,000 customers \$1,000; for 500 or less customers \$500; their ordinance was adopted in 1969.

### **3. Landscapers and Contractors Self-Haul**

The intent of the proposed ordinance is to regulate waste hauler businesses not operating under either a franchise agreement or a permit issued by an appropriate public agency (e.g., solid waste authority). It is recognized that landscapers and building contractors generate large quantities of solid waste materials and that some of these businesses transport their own waste materials from job sites. It is important that these materials be safely transported to an approved location for recycling or disposal. Those landscapers and contractors transporting their own waste materials from their own job sites are exempt from the refuse hauler permit requirement of the proposed refuse hauler ordinance if the material is taken directly to an approved recycling or solid waste facility. Rather than require them to obtain a separate waste hauling permit, other measures were considered to make sure that their waste materials are properly recycled or disposed. At the 2015 meeting, the IOC concurred that landscapers should be exempt from having to obtain a hauler permit.

### **4. Building Permit and Inspection Process**

The Department of Conversation and Development (DCD) issues building and demolition permits and performs related inspections in unincorporated Contra Costa County and various contract cities.

#### State Mandated Job Site Debris Management Documentation

The 2013 California Green Building Standards Code (CalGreen) mandates submittal of documentation about the management of job site debris as a part of the building permit and inspection process for most projects. This requirement applies to demolition projects and construction of new buildings, including additions or alterations of buildings where the changes increase the building's conditioned area, volume or size. CalGreen requires submission of plans and verifiable post-project documentation to demonstrate how much of the nonhazardous construction and demolition debris generated on the job site was disposed, salvaged for reuse, recycled, or otherwise diverted. The County's pre-project (Debris Recovery Plan) and post-project (Debris Recovery Report) forms call for identification of the applicable recycling and disposal facilities.

At the July 2015 IOC meeting, several options were presented regarding potential actions that could be taken during the building permit and inspection process to address input raised during stakeholder workshops. The IOC approved the option recommended by DCD Staff calling for:

- a) modification of the Debris Recovery Plan form (see Exhibit C), required to demonstrate compliance with CalGreen, to require that building permit applicants disclose who was expected to haul job site waste (self-haul or name of hauling company); and

- b) modification of the Debris Recovery Report form (see Exhibit D), required to demonstrate compliance with CalGreen, to require disclosure of the entity(s) that hauled debris to disposal/recycling facilities.

Building Inspections Ineffective Means of Monitoring Debris Boxes

The IOC also expressed interest in adding debris box monitoring to the list of items that DCD's building inspectors would be responsible for observing and documenting when performing inspections on job sites. A significant level of effort would be involved to incorporate debris box monitoring into the building inspection process which has one-time and on-going cost implications. DCD staff believes that the additional step of requiring that building inspectors monitor debris boxes would not reduce the number of illegal haulers, illegal transfer stations, or illegal dumping.

DCD staff advised that this approach would most likely yield minimal results. The reason being issues of timing because debris boxes are often no longer present by the time inspections are conducted. Another reason noted by staff was the fact that final inspections are not always requested/conducted.

At the July IOC meeting, DCD staff was directed to research the number of building permits that were issued compared to the number of building permits finalized (final inspection completed). Over a five year period, final inspections were not conducted for approximately one-fifth of the building permits issued (total difference of 9,214). The table below shows the number of building permits issued and finalized for fiscal years 2010/2011 through 2014/2015.

Permit Types	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	5 Year Totals
Single Family Building	227	294	450	531	619	2,121
Multifamily Building	26	1	8	0	14	49
Industrial/Commercial Building	395	427	412	465	424	2,123
Residential Remodel/Addition	2,024	1,874	2,062	2,273	2,440	10,673
Miscellaneous Building	2,841	2,871	3,128	3,822	4,423	17,085
Grading	143	150	192	204	237	926
Electrical	671	607	669	745	847	3,539
Plumbing	1,203	1,222	1,196	1,178	1,351	6,150
Mechanical	962	895	1,096	1,128	1,201	5,282
<b>Total Permits Issued</b>	<b>8,492</b>	<b>8,335</b>	<b>9,213</b>	<b>10,344</b>	<b>11,498</b>	<b>47,882</b>
<b>Total Final Inspections</b>	<b>7,234</b>	<b>6,737</b>	<b>7,387</b>	<b>8,339</b>	<b>8,971</b>	<b>38,668</b>
<b>Difference</b>	<b>1,258</b>	<b>1,598</b>	<b>1,826</b>	<b>2,005</b>	<b>2,527</b>	<b>9,214</b>
	<b>15%</b>	<b>19%</b>	<b>20%</b>	<b>19%</b>	<b>22%</b>	<b>19%</b>

There are multiple reasons there is a disparity between the amount of building permits issued and final inspections completed. As shown in the above table, building permits cover a wide range of projects, ranging from stand-alone grading, electrical, plumbing, and mechanical permits (e.g. air conditioning) to residential structures, commercial/industrial buildings, signage, and wireless telecommunication facilities. Another key type is demolition permits, which represent a substantial source of C&D debris.

Sometimes permits never call for a final inspection, even though the project was completed or built (e.g. remodels). Some projects may go through the initial planning and engineering process to be issued a permit, but then that project is never started due to financial or other reasons. Occasionally, a building permit is issued, construction begins but then the project gets delayed unexpectedly. When the owner/builder gets back to working or building the project, there may have been a change to the Building Code. When that happens, a new permit needs to be issued to account for those code changes so there would be two permits for a single project (one final inspection). Lastly, part of the discrepancy is solely due to timing because inspections are not always performed in the same year as that project's permits were issued. Permits issued this past fiscal year, may get a final inspection next year.

#### Marking Debris Boxes

Debris boxes are commonly used at job sites to store and remove construction and demolition waste and recyclables. These debris boxes are quite large with a capacity up to 40 cubic-yards. Debris boxes are not always marked, making it difficult to identify who is responsible for transporting them to and from a job site. They are often owned by hauling companies, but contractors also commonly own (especially demolition and roofing companies) or rent the debris boxes used on their job sites. The requirement that the bins be marked with its owner, including for self-haul, is incorporated into the draft ordinance in Section 418-2.008(g).

By requiring that all debris boxes be marked to identify name of the company that owns them, it will make it easier to identify potential illegal haulers as well as assist franchise haulers in combating competitors potentially violating their rights under the County's Franchise (if containing waste exclusively governed under said franchise). Rather than adding another layer and potential costs to the building inspection process, DCD staff recommends that franchise haulers take the lead in debris box identification because their drivers can most effectively observe job sites while on their weekly routes. Franchise haulers' route drivers are much more likely to see a debris box and readily identify/confirm if their company's franchise is being violated.

Where unmarked debris boxes are observed, franchise haulers could hand-deliver written notification of the debris box marking requirements to the property owner or contractor; alternatively, if unsuccessful the franchise haulers could report unmarked debris boxes to CCEH as a potential violation.



## **5. Modification of Franchise Agreements**

The County's Franchise Agreements need to be amended to eliminate potential conflict with any revised hauler ordinance, most notably the sections pertaining to franchise exclusivity and associated exceptions. However, the scope of the Franchise Agreement amendments that may be warranted will depend in part on the ordinance modifications.

## **6. Franchise C&D Waste**

According to CalRecycle's 2008 Statewide Waste Characterization Study, construction and demolition (C&D) materials account for 29% of the waste stream. The IOC expressed potential support for granting the unincorporated County's franchise waste haulers exclusive permission to haul C&D waste in those areas where this is not already done. DCD staff will initiate discussion with the County's franchise haulers to negotiate proposed terms of Franchise Agreements amendments upon receiving direction from the Board of Supervisors.

## **7. Source-Separated Materials**

Originally, CCEH staff proposed that haulers of source-separated materials be exempt from the hauler permit requirement. Stakeholders have expressed concern that these haulers are potentially associated with illegal transfer stations and also contribute to an ongoing scavenging problem. At the July meeting, the IOC did not approve either of the exemption options presented by CCEH staff.

Imposing the permit requirement on hauling source-separated recyclables will eliminate individuals' current rights under State law to donate their recyclables to non-profit organizations willing to pick them up. Some businesses get paid for their recyclables (e.g. cardboard, pallets and more) and requiring permits be obtained by companies now paying customers for their recyclable materials would likely result in negative impacts for customers and diversion. DCD staff requests that the IOC not requiring hauling permits for source-separated recyclables because these materials are not dumped illegally or taken to illegal transfer stations.

There are numerous certified e-waste collectors which offer free pick-up of electronic waste items, which would also be worthwhile to exempt from the revised ordinance.

## **8. Targeted Outreach**

Working with the Contra Costa Health Services Community and Information Unit, CCEH developed two brochures focused on landscapers and building contractors (copies attached as Exhibits E & F). The brochures list those sites within Contra Costa County that have been either (1) granted the necessary approvals by the LEA and CalRecycle in order to accept landscaping and construction waste materials or (2) filed with the LEA the necessary Enforcement Agency (EA) Notification documents.

*How and Where to Dispose of Construction & Demolition Debris*

*How and Where to Dispose of Green Waste*

In September and early October, the brochures were distributed to more than 130 landscaping companies, several building contractors associations, Chambers of Commerce, Board of Supervisors, City and County code enforcement agencies, franchised haulers, and the solid waste authorities. The brochures were also posted on the CCEH website.

## **9. Definition of Industrial Waste**

The intent of the proposed ordinance is to exempt legitimate industrial waste haulers from the requirement to obtain a separate waste hauler permit from the County. These wastes are typically transported by specialized equipment under permits from other government entities (e.g., hazardous waste). For the sake of clarity, the stakeholder workshops identified the need to define “industrial waste.” A conceptual definition was considered based on the City of Los Angeles Municipal Code.

*“Industrial entity” means any site for mechanized manufacturing activities including factories, food processing, mineral extraction, power generation, refineries, fuel storage facilities and publically operated treatment works.*

At the July 2015 IOC meeting the suggestion was made that reference to food processing be deleted from the definition. CCEH and DCD staff will work together on this or any other definitions which may warrant revision to address and/or avoid conflicts between franchises and hauler ordinance. When the ordinance is resubmitted for legal review, the exact wording necessary to exempt industrial waste can be determined based on the above and/or other definitions.

## **10. Disposal Within CCC**

The committee has asked whether non-franchised waste haulers may be required to take their loads only to solid waste facilities in Contra Costa County. The California Integrated Waste Management Act of 1989 authorizes counties to determine aspects of solid waste handling that are of local concern, including the “frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location, and extent of providing solid waste handling services.” (Pub. Resources Code, § 40059, subd. (a)(1).) A different state law and a U.S. Supreme Court decision place limits on that broad authority, however. A state law enacted in 2012 bars the adoption of ordinances that restrict or limit the importation of solid waste into a privately owned facility in that county based on the place of origin of the waste. (Pub. Resources Code, § 40059.3.) In addition, a requirement that haulers take their waste only to local facilities could be challenged by out-of-county solid waste facility operators in federal court on the grounds that it constitutes economic protectionism and violates the Commerce Clause of the U.S. Constitution. In 1994, the U.S. Supreme Court struck down a New York town’s solid waste flow-control ordinance that required specified solid waste to be taken only to a designated processing facility located in that town, because the ordinance had the effect of hoarding solid waste for the benefit of that facility and depriving out of town competitors of access to a local market. (*C&A Carbone, Inc. v. Town of Clarkstown, New York* (1994) 511 U.S. 383.)

## **11. Illegal Transfer Stations**

Illegal waste haulers are often associated with illegal transfer stations. These illegal transfer stations have not undergone the proper environmental, planning, and other reviews necessary to ensure they are properly sited and will operate pursuant to applicable solid waste and other standards (e.g., zoning). Additionally, they compete unfairly with legitimate waste management operations, and do not pay the applicable fees which support regulatory oversight (e.g., inspections), appropriate mitigation measures, and other oversight.

CCEH regularly investigates complaints about such illegal operations and, if verified, seeks their closure and cleanup. Some illegal haulers bring solid waste materials to illegal transfer stations. The material is then sorted to remove recyclable material considered to have value, and the residual waste is burned, dumped on the roadside, abandoned, or otherwise improperly disposed. These operations do not comply with solid waste standards, including those standards related to record keeping, staff training, load checking, storage, preventing nuisances, etc.

Subsequent to the July 2015 IOC meeting, CCEH investigated more than a dozen reported illegal transfer stations located in Richmond, North Richmond, El Sobrante, and Bay Point. Additionally, significant progress was made by the responsible parties in cleaning up an illegal solid waste facility and in Byron and another in Antioch.



In West Contra Costa County, a previously established task force was reconvened to deal with this problem. On September 16, 2015 two teams from the task force inspected illegal transfer stations. One team visited sites in the City of Richmond and the other team visited locations in unincorporated Richmond. The following agencies participated: Contra Costa Environmental Health (as the LEA), Contra Costa County District Attorney's Office, Contra Costa County Sheriff's Office, Richmond Police Department, Richmond Code Enforcement, California Highway Patrol, Contra Costa County Code Enforcement, Richmond Fire Department, Contra Costa County Fire Protection District, and Contra Costa County Hazmat. Each team was accompanied by a Portuguese translator through an arrangement with Contra Costa County Health Services.

Eight sites were visited on September 16, 2015. The tenant at one site denied entry; CCEH is working with the District Attorney's Office to obtain an inspection warrant. No one was present at a second location and investigators were unable to access the site. Of the six sites where inspections were conducted, illegal solid waste activities were observed at all of them. The sites were operating as illegal transfer stations; e.g. refuse haulers transport large quantities of solid waste materials to these locations and then the materials are sorted, processed, or stored. Violation notices were sent to the business operators and property owners. The notices require the operator to cease accepting solid waste materials and to remove materials to an approved recycling or disposal facility.

In addition to inspecting the location requiring an inspection warrant, the task force will schedule other dates to conduct re-inspections of the sites visited on September 16, 2015, and continue inspecting other illegal solid waste facilities that have not yet been inspected by the task force. At the present time the LEA has reports of 19 possible illegal solid waste facilities.

Exhibits G through K are some of the photos taken on September 16, 2015.

**C. Illegal Dumping Technical Advisory Committee**

On September 16, 2015, LEA staff attended a meeting of CalRecycle's Illegal Dumping Technical Advisory Committee in Sacramento to discuss the statewide issues with unregulated haulers, illegal transfer stations, and illegal dumping. CalRecycle does not intend at this time to directly regulate waste haulers but is looking at ways to assist local agencies in their efforts to do so.

**D. Contra Costa Times Article**

The Contra Costa Times (September 13, 2016) Eye on the East Bay had an article on illegal dumping (copy attached as Exhibit L).

**E. Next Steps**

Once the following remaining issues are resolved, CCEH will work with DCD and County Counsel to develop final proposed ordinance revisions for consideration by the IOC and Board of Supervisors:

- Sherriff's office role and funding (Item 1),
- Select preferred amount for the surety bond (Item 2),
- Building permit and inspection role (Item 4),
- Board direction to negotiate potential amendments to all four of the County's Franchise Agreements (Items 5 & 6), and
- Reconsideration regarding exempting source-separated recyclables (Item 7).

**Exhibits Index**

Exhibit A	Proposed Revision to Contra Costa County Ordinance 418-2 (October 5, 2015)
Exhibit B	CIWMB 61-Waste Tire Hauler Bond
Exhibit C	Debris Recovery Plan (DCD Form)
Exhibit D	Debris Recovery Report (DCD Form)
Exhibit E	How and Where to Dispose of Construction & Demolition Debris
Exhibit F	How and Where to Dispose of Green Waste
Exhibits G-K	Photos from September 6, 2015 Inspections of Illegal Solid Waste Facilities
Exhibit L	Contra Costa Times Article (September 11, 2015)

**PROPOSED REVISION TO CONTRA COSTA COUNTY  
ORDINANCE 418-2  
REFUSE TRANSPORT AND DISPOSAL ORDINANCE  
(~~DRAFT – June 15, 2015~~)  
(October 5, 2015 IOC)**

The following are proposed revisions to Contra Costa County Ordinance Chapter 418-2.

Black text = discussion or background information

Blue text = current ordinance

Red text = proposed revised ordinance

Green = revised post-workshops

Purple = revised post July 27, 2015 IOC

**I. INTRODUCTION**

Key considerations for this ordinance:

- Not conflict with franchise agreements or County franchise ordinance (418-7).
- Define what refuse transportation businesses are subject to health permit requirement.
- Authorization to conduct inspections.
- Authorization to charge permit and other fees.
- Minimum operating standards.
- Requirement that the solid waste go to an approved solid waste or recycling facility.
- Enforcement tools.
- Identifying other possible target audiences for outreach.

**II. DEFINITIONS**

The current definition of “refuse” is somewhat out of date. The updated definition of “refuse” recognizes the importance of recycling in modern waste management by including additional terminology. The goal is that the updated “refuse” definition, a description of those refuse transporters exempt from the health permit requirement, and other requirements will facilitate regulatory efforts toward non-franchised transporters to ensure that solid waste materials are brought to a legitimate solid waste or recycling facility in a safe manner that protects public health and the environment.

The modified definition of “refuse” keeps much of the original language, but takes into account that many illegal haulers claim they are recyclers, when, in fact, they may be taking materials to illegal transfer stations or other unacceptable locations. Illegal refuse transporters are often distinguished by the carrying of mixed loads; for example, the waste material in **the** a truck does not meet the three-part test (i.e., not source-separated or too much contamination with residuals or putrescibles);



likewise, at illegal transfer stations, these loads arrive and are further processed or separated, often in a manner inconsistent with the State minimum solid waste standards.

### **Current Ordinance 418-2.002 Refuse—Defined**

As used in this chapter, "refuse" means garbage, combustible or noncombustible waste, and putrescible solid or concentrated liquid wastes originating from household, business, commercial, or industrial activity, including sewage, sewage effluent, sewage sludge, or any admixture of any of these substances with another of them or with any other substance.

### **Proposed 418-2.002 Definitions**

- (a) Refuse – As used in this chapter “refuse” means solid waste, garbage, food waste, junk, rubbish, recyclable materials, ~~non-source-separated recyclable materials, recyclable materials containing more than ten percent residual waste or more than one percent putrescible waste,~~ construction or demolition debris, landscaping wastes, compostable materials, biosolids, combustible or noncombustible wastes, and putrescible solid or concentrated liquid wastes originating from households, business, commercial, or industrial activity.
- (b) Recycling facility – As used in this chapter, “recycling facility” means a facility as defined in the California Code of Regulations, Title 14, Section 17402.5(d) and having all necessary state and local permits and registrations.
- (c) Solid waste facility – As used in this chapter, “solid waste facility” means a facility as defined in the California Public Resources Code Section 40194 and having all necessary state and local permits and registrations.
- (d) Person – As used in this chapter, “person” means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, syndicate, city, county, or other political subdivision, or any other group or combination acting as a unit.
- (e) Industrial waste – As used in this chapter means any waste which results from mechanized manufacturing activities including factories, mineral extraction, power generation, refineries, fuel storage facilities and publically operated treatment works.

Note(s):

- (1) The definition of “person” is standard boilerplate language in many laws. This version is from the California Retail Food Code.
- (2) If haulers of source-separated materials are subject to the permit requirement, there is no need to apply the three-part definition (i.e., ten percent residual, one percent putrescible).



### III. PERMIT REQUIRED

The current ordinance requires both franchised haulers and cities to obtain refuse hauler permits if at some point the vehicle travels on a road in the unincorporated county. Environmental Health is recommending that that franchised haulers and cities be specifically exempted from the health permit requirement. The current proposal also excludes from the permit requirement those people transporting their own refuse (e.g., contractors, landscapers), though there is a legitimate concern that some persons transporting their own refuse may contribute to the illegal dumping problem. Additionally, the proposal excludes from the permit requirement businesses operating under a specific permit issued by a solid waste authority; for example, a construction and demolition debris hauler operating under a waste authority permit.

The proposed revision to 418.2-004 includes breaking it out into two separate sections, 418-2.003 and 418-2.004. An inspection program is included in the proposed revision.

#### **Current Ordinance 418-2.004 Permit required**

No person, municipality, or governmental agency shall collect or transport any refuse on the public streets or highways of this county without first having obtained a permit from the board of supervisors.

#### **Proposed 418.2.003 Permit required**

- (a) Except as described in Section 418-2.005, no person shall transport refuse in the unincorporated areas of the county without possessing a valid health permit for the business and a valid health permit sticker for each refuse transportation vehicle. The health permit and health permit sticker are issued by the Contra Costa County health officer ("health officer") or his or her designee. The health officer ~~may~~ shall designate Contra Costa Environmental Health as his or her designee to implement and enforce the provisions of this chapter, including the issuance of health permits and health permit stickers. In addition to Contra Costa Environmental Health, the Contra Costa County Sheriff's Office shall enforce Sections 418-2.003(a), 418-2.003(b), 418-2.005, and 418-2.008 of this chapter.
- (b) A health officer issued health permit sticker shall be affixed to the rear of the vehicle in a location acceptable to the health officer and be plainly visible.
- (c) An application for a health permit shall be on forms approved by the health officer and contain all information as required by the health officer. The information required by the health officer may include, but is not limited to: (1) a listing of the location(s) where the person will collect, transport, dispose of, or relinquish control of refuse and (2) verification or affirmation that if the refuse is collected in an area covered by a franchise agreement, the person will only haul refuse if the person, or his or her employees, provide the labor component required to load the transport vehicle or container.
- (d) The health officer may issue a health permit and health permit sticker after the refuse transportation vehicle has been inspected by the health officer and found in compliance with the provisions of this chapter, the business is otherwise in compliance with this chapter, and all required fees have been paid.



- (e) Equipment used for refuse transportation shall be made available for inspection as requested by the health officer, including an annual inspection of refuse transportation vehicles prior to the issuance of health permit stickers.
- (f) For the purposes of enforcement of this chapter, the health officer may, during the business's hours of operation and other reasonable times, enter, inspect, issue citations, and secure any sample, photographs, or other evidence from a refuse transportation business or refuse transportation vehicle or any business or vehicle suspected of being a refuse transportation business or vehicle.

Note(s):

- (1) Regarding 418-2.003(a), the collection vs. transportation distinction remains an issue to ultimately resolve; for example, an appropriate place to further address issues around the collection of solid waste is in County ordinance 418-7.
- (2) Right of entry to inspect is commonly found in ordinances, regulations, and statutes.

### **Proposed 418-2.004 Permit exemptions**

The current proposal would exempt from the health permit requirement the following: franchise haulers working under the scope of the franchise agreement **or related permit (e.g., C&D permit)**, cities collecting their own refuse, **and** people **and or** businesses transporting their own wastes to an approved location.

A refuse hauler health permit or health permit sticker is not required for the following if the refuse is taken directly to a solid waste facility or recycling facility:

- (1) Refuse transportation business operating pursuant to a franchise agreement issued by a local governmental entity such as a county, city, or local solid waste authority; or
- (2) Refuse transportation business operating pursuant to a permit issued by a local solid waste authority and transporting the refuse allowed by the permit; or
- (3) Contractor or landscaper transporting refuse from his or her own jobsite. The health officer may request proof that such refuse is from a jobsite. Such proof may include a building or demolition permit consistent with refuse being hauled, contract for the work performed that demonstrates the work is consistent with the refuse being transported, or other documentation acceptable to the health officer; or
- (4) Governmental entity transporting refuse from its own jobsites; or
- (5) Renderer operating under permit from the State Department of Food and Agriculture; or
- (6) Property owner, business owners, agricultural operation, or farmer transporting refuse from his or her own premises; or
- (7) Transporter operating under permit issued by a governmental entity and collecting or transporting only the specific waste allowed by the permit, including such material as **industrial waste, medical waste, or hazardous wastes, and where such waste is transported to an approved destination or facility authorized to accept the material.**



Note(s):

- (1) If a contractor does not take his or her waste directly from a jobsite to a solid waste or recycling facility and instead brings it back to the business for processing or sorting, that location might be considered an illegal transfer station.

#### IV. HIRING OF LICENSED PERSON REQUIRED

Current Ordinance 418-02.005 Hiring of licensed person required

No person shall engage the service of a person, municipality or governmental agency, whether or not for compensation, to collect or transport over the public streets or highways of this county, refuse, unless the person, municipality or governmental agency whose service is engaged has obtained a permit pursuant to Section 418-2.004.

#### **Proposed 418-2.005 Hiring of licensed person required**

No person shall engage the services of a person, whether or not for compensation, to transport refuse, unless the person whose service is engaged has obtained a permit pursuant to Section 418-2.003.

#### V. BOND REQUIRED

The current ordinance requires a refuse transporter post a \$2,000 bond with the Board of Supervisors. Please note that the current ordinance is based on the transportation of refuse on county roads, but the bond requirement also mentions collection. There are several options the Board of Supervisors may wish to consider.

Option 1 — ~~Keep the amount the same but have the bond posted with the health officer (i.e., Environmental Health).~~

Option 2      Raise the bond amount and have it posted with Environmental Health.

Option 3 — ~~Require liability insurance in lieu of a bond.~~

Option 4 — ~~Delete this section entirely.~~

Current Ordinance 418-2.006 Bond required

Every person, other than a governmental agency, which shall apply for a permit to collect or transport refuse, shall file with the board of supervisors a bond in the amount of two thousand dollars, or the same amount in cash, as a guarantee that the privilege granted in the permit shall be performed in accordance with the regulations prescribed by the board of supervisors in the

order granting the permit, as recommended by the county health department and in accordance with applicable state laws.

## Option 2

Prior to the issuance of health permit the applicant shall post with the health officer a cash deposit or performance bond guaranteeing compliance with applicable laws and regulations. Such bond is to be in an amount of \$ \_\_\_\_\_. In addition to other civil or criminal penalties, the health officer may use this cash deposit or bond to remedy violations of applicable laws or regulations.

## VI. VEHICLE REQUIREMENTS

Some of these requirements would apply to all refuse transporters, regardless of whether or not they need a health permit. For example, under the proposed (and current ordinance), no refuse transportation vehicle is allowed to have materials falling off the truck. Franchised haulers expressed concern that Environmental Health may issue permits to a non-franchised hauler who then might impinge upon a franchise agreement. The current proposal includes the requirement that non-franchised haulers not violate a franchise agreement, though Environmental Health has been informed that this requirement may not actually address potential conflicts with franchise agreements; additionally, there is the question as to the appropriateness of our agency being involved in the enforcement associated with a franchise agreement. Nevertheless, Environmental Health recognizes that this is an important issue to the franchise haulers and we hope that it is somehow addressed to the satisfaction of all parties.

### Current Ordinance 418-2.010 Vehicle requirements

- (a) Every vehicle transporting refuse to a solid waste disposal or processing facility shall provide a means to cover and contain refuse securely within the vehicle, so that no refuse shall escape.
- (b) Every vehicle used in the business of refuse collection shall have painted on the outside of each side wall of the hauling body, in letters not less than four inches high and one inch wide, the following legible information in a color contrasting with the body color:
  - (1) Name of the refuse collector;
  - (2) Permit number issued by the board of supervisors;
  - (3) Number of vehicle, if more than one vehicle is operated by the collector.
- (c) Collecting vehicles shall be kept clean, and no nuisance of odor committed.



## **Proposed revised 418-2.008 Vehicle and Operational requirements**

- (a) Every vehicle transporting refuse shall provide a means to cover and contain refuse securely within the vehicle so that no refuse shall escape, including leakage of liquid or semisolid materials.
- (b) Every vehicle for which a permit is required pursuant to this chapter shall have painted on the outside of each side wall of the hauling body, in letters not less than four inches high and one inch wide, the following legible information in a color contrasting with the body color:
  - (1) Name of the refuse hauler; and
  - (2) Unique identifying number of the vehicle if more than one vehicle is operated by the refuse hauler.
- (c) Every vehicle transporting refuse shall be kept clean and create no nuisance, including nuisance odors.
- (d) A person operating a refuse transportation business shall not violate a local franchise agreement, whether or not the person has obtained a health permit to operate a refuse transportation business.
- (e) A person operating a refuse transportation business for which a permit is required pursuant to this chapter shall maintain records showing the type, amount, and location from which refuse is collected and the disposal site or end destination for said refuse. Such records shall be kept for at least one year and provided to the health officer upon request. In addition to the records maintained for at least one year, quarterly reports shall be submitted to the health officer by the end of the month following the end of a quarter; these reports shall accurately list the type, amount, location from which refuse is collected, and the disposal site or end destination for said refuse. The health officer shall provide copies of these records to a solid waste authority or other governmental entity upon request.
- (f) Refuse shall be transported to a permitted landfill, permitted transfer station, other solid waste facility operating in conformance with the State minimum solid waste standards, recycling facility, or other facility in conformance with applicable laws and regulations.
- (g) Refuse containers ~~provided by a refuse transportation business~~ shall be clearly marked with the name of the refuse transportation business or other person using or providing said containers. Containers of one cubic yard or larger owned by the refuse transportation business or other person using or providing said containers shall be identified with the name and phone number of the refuse transportation business.
- (h) Where the refuse containers are provided by a refuse transportation business, the refuse transportation business is responsible for maintaining the containers in good condition.

### Note(s):

- (1) The following operational standards in this section would apply to both franchise and non-franchise operations (in unincorporated areas of the County): 418-2.008 (a), (c), (f), (g), and (h).
- (2) The following operational standards in this section would apply to non-franchise operations (in unincorporated areas of the County): 418-2.008 (b), (d), and (e). Please note that recordkeeping requirements in other state and local laws/regulations (and enforced by other agencies) already apply to franchise haulers.

## **VII. CHAPTER EXCEPTIONS**

### **Section 418-2.010 Chapter exceptions**

Recommend deleting this section as the exceptions are now described elsewhere.

#### Current Ordinance 418-2.010 Chapter exceptions

The provisions of this chapter, except [Section 418-2.008\(a\) and \(c\)](#), shall not apply to a septic tank-chemical toilet cleaner as defined in [Section 413-3.415](#), having a valid, unrevoked, unsuspended public health license issued therefor pursuant to the provisions of [Article 413-3.8](#), and to persons collecting:

(1)

Dead animals, bones, or meat scraps for tallow plants;

(2)

Waste material, such as waste paper and waste paper products, to be used as a raw material in manufacturing;

(3)

Refuse originating on their own premises.

## **VIII. ENFORCEMENT**

Title 1, Division 14 of the *Contra Costa County Ordinance Code* contains provisions for civil, [criminal, and administrative penalties](#), ~~and criminal enforcement~~, including permit suspension and revocation.

Note(s):

- (1) When Environmental Health submits cases to District Attorney's Office for prosecution, we typically include Business & Professions Codes 17200. This is used for civil enforcement and does have significant monetary penalties.

## **IX. FEES**

Title 4, Division 413 of the *Contra Costa County Ordinance Code* allows the Health Officer to establish fees in order to fund regulatory programs. A permit fee system would be established for a refuse hauler program, including inspections, reinspections, field surveillance, and complaint investigations.



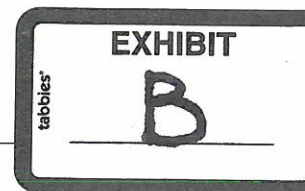
**FYI: Items from other ordinances to consider**

1. SF Appendix 10 – Requires a refuse company to provide a written receipt to its customers.
2. SF Appendix 17 – A boilerplate severability clause.
3. Santa Clara County Section B11-160 – A definition of disposal that is consistent with the language in the proposed hauler ordinance: “Disposal means to deposit refuse into an approved solid waste landfill, transfer station, composting or recycling operation.”
4. Santa Clara County Section B11-166 – Specifies that permits are revocable.
5. Santa Clara County Section B11-168 – A general catchall section. “All collectors must operate in a manner to protect the public and environmental health as determined by the director. Collectors are responsible for picking up any spillage that may occur during collection and transport.”
6. Santa Clara County Section B11-173(c) – Contains an exemption similar to the proposed ordinance for contractors hauling their own waste, but requires approval from the enforcement agency to do so.
7. Santa Clara County Section B11-178(b) – Requires yards where collection vehicles are stored to be kept in a sanitary condition.
8. Santa Clara County Section B11-188 – Prohibits unauthorized disposal. “It is unlawful for any person to throw away, deposit or bury, or cause to be thrown away, deposited or buried, any refuse, except at an approved disposal or collection area unless authorized by the director...”
9. Napa County Section 8.56.020 – This section mentions removing, collecting, and transporting. “The standards in this chapter shall apply to vehicles used for removing, collecting, and transporting solid wastes within the incorporated area of the county, except that nothing in this chapter shall be deemed to regulate the transportation of solid wastes on any railroad tracks which connect to any interstate rail system.”
10. Napa County Section 8.56.030 C – Language regarding basis for denying permit. “...The LEA shall deny the permit only if the LEA determines that the proposed operation and equipment will not comply with the requirements of this chapter, all applicable local ordinances including the terms of any applicable franchise agreement, and all applicable state and federal statutes and regulations.”
11. Napa County Section 8.56.040 B – Exclusion from permit language. “Collectors and transporters of septic tank pumping, hazardous wastes and/or medical waste are not required to have a permit under this chapter but must conform to the permit requirements and regulations set forth in other sections of this code as well as all applicable state and federal laws and regulations.”
12. Sonoma County Section 22.10 – Has specific language about the permit application.
13. Sonoma County Section 22.25 – Insurance, bonding, and indemnification



## WASTE TIRE HAULER BOND

BOND NUMBER \_\_\_\_\_



KNOW ALL PEOPLE BY THESE PRESENTS:

That we, The Undersigned \_\_\_\_\_, whose address for service is \_\_\_\_\_, as Principal, and \_\_\_\_\_, a corporation organized and existing under the laws of the State of \_\_\_\_\_ and authorized to transact a general surety business in the State of California, whose address for service is \_\_\_\_\_, as Surety, are held and firmly bound unto the State of California in the sum of TEN THOUSAND DOLLARS (\$10,000) lawful money of the United States, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, personal representatives, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal is required by the provisions of Section 42955 of the Public Resources Code to file or have on file a bond as therein prescribed in the amount of ten thousand dollars (\$10,000), and said Principal admits it is so required; and

WHEREAS, the above-named Principal, pursuant to California Senate Bill No. 744 (McCorquodale), Chapter 511, Statutes of 1993, an act to amend Section 42889 of, and to add Chapter 19 (commencing with Section 42950) to Part 3 of Division 30 of, the Public Resources Code, relating to used and waste tire haulers, is applying to the California Integrated Waste Management Board for a registration to engage in transportation of used and waste tires as defined in California Statutes of 1993, Chapter 511, Part 3 of Division 30, Chapter 19, Article 1, Section 42950 et seq., at the following location:

\_\_\_\_\_; and

NOW THEREFORE, the conditions of the foregoing obligation are that if the Principal above named shall faithfully comply with all and be subject to all applicable statutes, rules, and used and waste tire hauler registration conditions of the State of California, then this obligation shall be null and void, otherwise to remain in full force and effect.

PROVIDED, HOWEVER, this bond is issued subject to the following express conditions:

1. This bond shall be effective on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and shall run concurrently with the period of the registration granted to the Principal, and shall remain in full force and effect for any renewals thereof, provided, however, that the penalty of said bond shall not be cumulative from year to year, and the total liability of the Surety herein shall not exceed the sum of ten thousand dollars (\$10,000), regardless of the number of registration periods for which said bond is in force.

2. The conditions of this bond are as set forth in Chapter 19 (commencing with Section 42950) of Part 3 of Division 30 of the Public Resources Code and any regulations adopted to carry out this chapter or any of the California Integrated Waste Management Board's duties or responsibilities imposed pursuant to this chapter.

3. This bond is executed by the surety to comply with the provisions of Chapter 19 (commencing with Section 42950) of Part 3 of Division 30 of the Public Resources Code and applicable regulations and of Chapter 2 (commencing with Section 995.010), Title 14, Part 2 of the Code of Civil Procedure and said bond shall be subject to all of the terms and provisions thereof.

4. Any person claiming against said bond may bring an action on this bond, provided that written claim of such right of action shall be made to a principal or the surety company within two years after the injury.

5. It shall be the responsibility of the Surety to notify the California Integrated Waste Management Board immediately upon the payment of any funds which decreases the liability of the Surety under this bond, or if there is outstanding a claim for which the Principal and/or bonding company is liable.

6. This bond may be canceled by the Surety by sending a notice of cancellation by registered or certified mail to the Tire Hauler Compliance Section, Compliance Evaluation and Enforcement Division, P.O. Box 4025, Sacramento, CA 95812-4025. The Surety shall at the same time mail or deliver a copy of the notice of cancellation to the Principal. [See Code of Civil Procedure Section 996.310 et seq.] Such cancellation shall take effect 30 days from the date said notice of cancellation is received by the California Integrated Waste Management Board.

IN WITNESS WHEREOF, the above named parties have executed this instrument the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Corporate Seal  
of Principal  
(if corporation)

\_\_\_\_\_  
Principal

By \_\_\_\_\_  
(Title)

#### ACKNOWLEDGMENT OF SURETY

I certify (or declare) under penalty of perjury under the laws of the State of California that I have executed the foregoing bond under an unrevoked power of attorney.

Executed in \_\_\_\_\_ on \_\_\_\_\_, under the laws of the  
(City, State) (Date)  
State of California.

Corporate Seal  
of Surety

\_\_\_\_\_  
Signature of Attorney-In-Fact for Surety

\_\_\_\_\_  
Printed or Typed Name of Attorney-In-Fact for Surety



# DEBRIS RECOVERY PLAN – FOR CALGREEN & COUNTY ORDINANCE

**PERMIT WILL NOT BE ISSUED UNTIL COMPLETED PLAN SUBMITTED AND APPROVED**

**Submit Plans to the Application & Permit Center at 30 Muir Road, Martinez, CA 94553**

**QUESTIONS? Contact Judi Kallerman or Keith Denison at (925) 674-7200**

APN: \_\_\_\_\_ Building Permit #: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Owner Mailing Address: \_\_\_\_\_ Owner Phone: (\_\_\_\_) \_\_\_\_\_

Jobsite Address: \_\_\_\_\_ Sq. Ft.: \_\_\_\_\_ Building Type: ☐ Single-Family House ☐ Multi-Family Residential

Jobsite Contact: \_\_\_\_\_ Company: \_\_\_\_\_ Jobsite Contact Phone: (\_\_\_\_) \_\_\_\_\_

Brief description of project: \_\_\_\_\_

By signing below, I acknowledge that I am responsible for complying with the requirements of County Ordinance 2004-16 (Chapter 418-14 of County Code) or the 2013 CalGreen Building Standards Code.

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For County Staff Use Only:

Circle One: CalGreen

County Ordinance

Plan Approved by:

Date Approved:

Make copy for applicant, place original in permit file.

MATERIAL	Reuse	Recycle	Dispose	FACILITIES/SERVICE PROVIDERS TO BE USED*	Amount in tons or volume but not both
Asphalt					
Brick					
Cardboard					
Carpet Padding					
Concrete					
Dry Wall/Gypsum					
Green-Waste					
Lumber-Untreated					
Rock/Stone					
Metals					
Mixed					
Other: _____					
Construction methods employed to reduce amount of waste generated					



\*Please inquire with the local franchise refuse/recycling hauler to ascertain what recycling services they offer. Also, refer to the Contra Costa Builder's Guide for locating construction and demolition debris recycling businesses (available on-line at [www.cccrecycle.org/debris](http://www.cccrecycle.org/debris) or by calling our Recycling Hotline at 1-800-750-4096).

**DEBRIS RECOVERY REPORT REQUIRED PER COUNTY ORDINANCE**  
**FINAL INSPECTION WILL NOT BE SCHEDULED UNTIL COMPLETED REPORT IS SUBMITTED**

APN: \_\_\_\_\_ Building Permit #: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Contractor Name: \_\_\_\_\_

Jobsite Address: \_\_\_\_\_

Jobsite Contact: \_\_\_\_\_



Owner Phone: ( ) \_\_\_\_\_

Jobsite Contact Phone: ( ) \_\_\_\_\_

**Submit completed form to:**  
 Application and Permit Center  
 Contra Costa County  
 Dept. of Conservation & Development  
 30 Muir Road  
 Martinez, CA 94553

MATERIAL	Reuse	Recycle	Dispose	ACTUAL FACILITIES/SERVICE PROVIDERS USED	WEIGHT (TONS)
Asphalt					
Cardboard					
Concrete					
Dry Wall					
Green Waste					
Lumber & Wood					
Metal(s)					
Rock/Stone					
Other:					
Other:					
Other:					

Total tons of materials disposed of (not recycled or reused): \_\_\_\_\_

Total tons of materials not disposed of (either recycled or reused): \_\_\_\_\_

Percent recycled/reused: \_\_\_\_\_ %

Please sign and date indicating that the above information is true and correct to the best of your knowledge:

Owner/Contractor Signature \_\_\_\_\_

Date \_\_\_\_\_

**THANK YOU FOR YOUR EFFORTS TO REDUCE WASTE AND SAVE NATURAL RESOURCES**

Questions can be directed to the County's Application and Permit Center at (925) 674-7200.



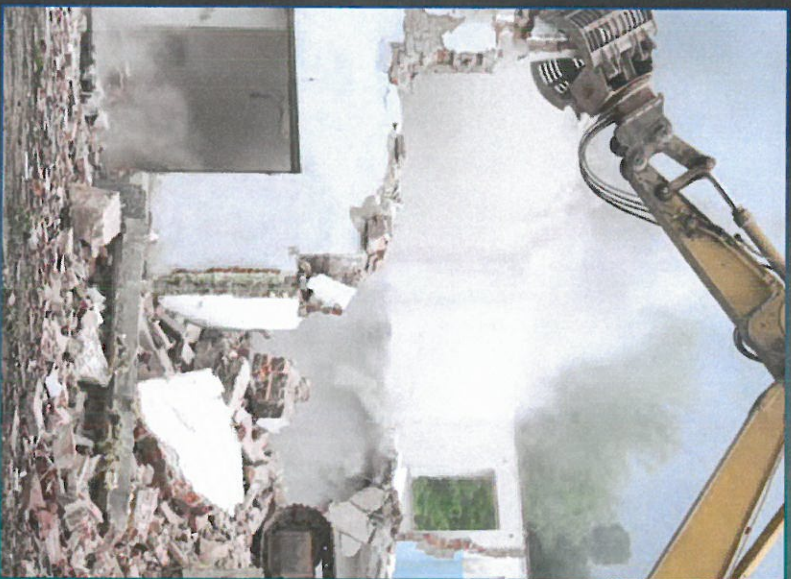
**Attach copies of receipts, gate tags, or other  
 verifying documentation for all materials that were  
 reused, recycled or disposed.**



# CONSTRUCTION & DEMOLITION DEBRIS DISPOSAL & RECYCLING

Construction and demolition work in Contra Costa County generates a large amount of solid waste. Some of this waste ends up illegally dumped or taken to illegal transfer stations, causing significant environmental problems

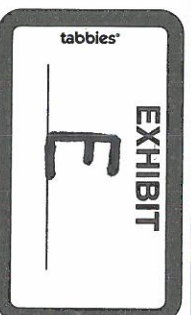
and blight. Taking construction and demolition debris to an approved disposal site or recycling facility will ensure that the material is handled in a manner that protects the environment and public health.



## HOW AND WHERE TO DISPOSE OF CONSTRUCTION & DEMOLITION DEBRIS IN CONTRA COSTA COUNTY



For more information visit  
[cchealth.org/eh](http://cchealth.org/eh)



July 16, 2015

**CONTRA COSTA ENVIRONMENTAL HEALTH**  
A Division of Contra Costa Health Services  
2120 Diamond Blvd., Suite 200  
Concord, CA 94520  
925-692-2500 ph  
925-692-2503 fx



# CONSTRUCTION & DEMOLITION DEBRIS RECYCLING & DISPOSAL LOCATIONS

The following are locations for construction and demolition disposal or recycling in Contra Costa County.

Byron	
<b>Woodmill Recycling</b> 5595 Byron Hot Springs Road woodmillrecycling.com	925-634-3669
Martinez	
<b>Acme Landfill</b> 950 Waterbird Way acmelandfill.com	925-228-1139
<b>Contra Costa Transfer and Recovery</b> 951 Waterbird Way	925-313-8900
Pittsburg	
<b>Keller Canyon Landfill</b> 901 Bailey Road	925-458-9800
<b>Mt. Diablo Recycling Center and Transfer Station</b> 1300 Loveridge Road contracostawaste.com	925-473-0180
Richmond	
<b>West County Organics &amp; Golden Bear Transfer Station</b> 1 Parr Boulevard	510-970-7242

Contact the facility to verify the types of waste accepted, if there are any residency or direct-hauling restrictions, hours of operation and fees.  
If you hire someone to clean up, remove or dispose of waste, use a reputable company and verify that they are taking the waste to an approved facility for disposal or recycling. Consider asking for a receipt or other verification that the waste materials were properly

disposed of or recycled.  
In areas served by franchised solid waste collections companies, you may be required to use the franchised or permitted hauler, depending on the type of waste and other factors, including for debris boxes. Contact the local solid waste authority for more information.  
The waste authority websites have additional information regarding recycling and disposal, including out-of-county locations.



Central Contra Costa Solid Waste Authority covers Danville, Lafayette, Moraga, Orinda, Walnut Creek and unincorporated areas in Central Contra Costa 925-906-1801 • [recycleSMART.org](http://recycleSMART.org)

West Contra Costa Integrated Waste Management Authority covers El Cerrito, Hercules, Pinole, Richmond, San Pablo and unincorporated areas in West Contra Costa 510-215-3125 • [recyclemore.com](http://recyclemore.com)

Contra Costa County Conservation and Development covers unincorporated areas in Contra Costa County not served by a waste management authority 925-674-7200 • [www.co.contra-costa.ca.us/3383/Conservation-and-Development](http://www.co.contra-costa.ca.us/3383/Conservation-and-Development)

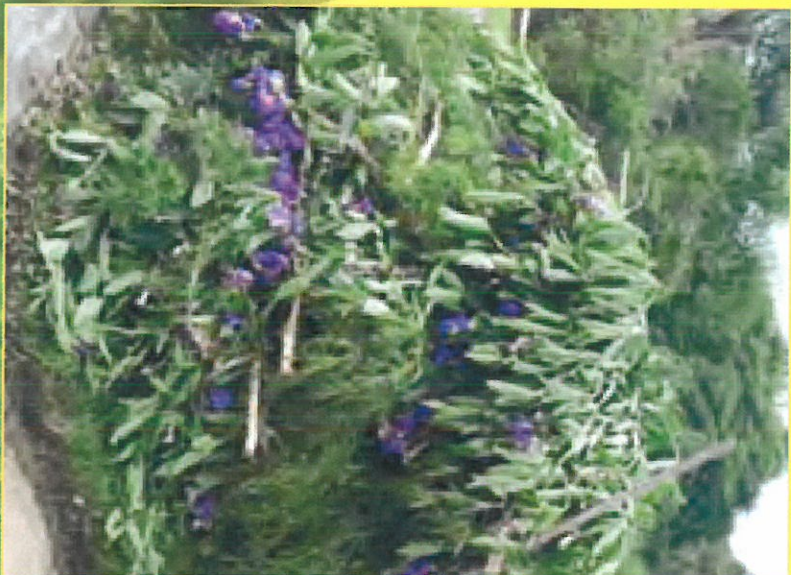




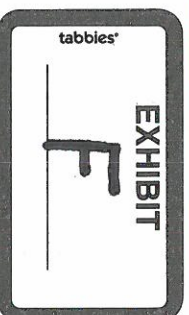
# GREEN WASTE DISPOSAL & RECYCLING

Landscaping work in Contra Costa County generates a large amount of solid waste. Some of this waste ends up illegally dumped or taken to illegal transfer stations, causing significant environmental problems and blight.

Taking landscaping waste to an approved disposal site or recycling facility will ensure that the material is handled in a manner that protects the environment and public health.



For more information visit  
[cchealth.org/eh](http://cchealth.org/eh)



July 2, 2015

## HOW AND WHERE TO DISPOSE OF GREEN WASTE IN CONTRA COSTA COUNTY



**CONTRA COSTA  
ENVIRONMENTAL HEALTH**  
A Division of Contra Costa Health Services  
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925-692-2503 fx



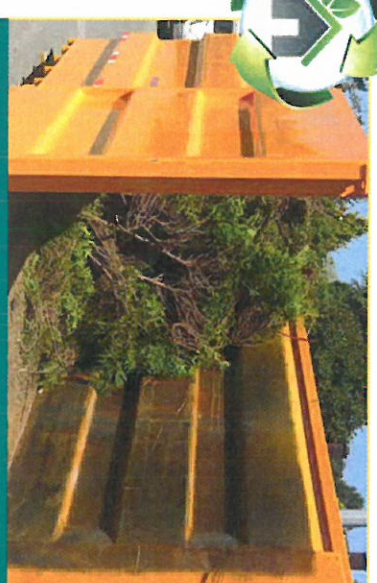
# GREEN WASTE RECYCLING & DISPOSAL LOCATIONS

The following are locations for green waste disposal and recycling in Contra Costa.

Byron	
<b>Oliveira Enterprises</b> 8005 Bruns Road	209-835-9382
<b>Woodmill Recycling</b> 5595 Byron Hot Springs Road woodmillrecycling.com	925-634-3669
Concord	
<b>Atlas Tree Service</b> 150 Medburn Street atlastreeservice.com	925-687-3681
Martinez	
<b>Acme Landfill</b> 950 Waterbird Way acmelandfill.com	925-228-1139
<b>Contra Costa Transfer and Recovery</b> 951 Waterbird Way	925-313-8900
<b>Hamilton Tree Service</b> 4949 Pacheco Boulevard hamiltontree.com	925-228-1010
Orinda	
<b>Expert Tree Service</b> 150 Old Tunnel Road experttreesevice.com	925-254-8733
Pittsburg	
<b>Keller Canyon Landfill</b> 901 Bailey Road	925-458-9800
<b>Mt. Diablo Recycling Center and Transfer Station</b> 1300 Loveridge Road contracostawaste.com	925-473-0180
Richmond	
<b>Fahy Tree Service</b> 2780 Goodrick Avenue	510-232-0100
<b>West County Organics &amp; Golden Bear Transfer Station</b> 1 Parr Boulevard	510-970-7242
<b>Green Waste Recycle Yard</b> 2550 Garden Tract Road greenwasterecycleyard.com	510-527-8733

Contact the facility to verify the types of waste accepted, if there are any residency or direct-hauling restrictions, hours of operation and fees. If you hire someone to clean up, remove or dispose of waste, use a reputable company and verify that they are taking the waste to an approved facility for disposal or recycling. Consider asking for a receipt or other verification that the waste materials were properly disposed of or recycled.

In areas served by franchised solid waste collection companies, you may be required to use the franchised or permitted hauler, depending on the type of waste and other factors, including for debris boxes. Contact the local solid waste authority for more information. The waste authority websites have additional information regarding recycling and disposal, including out-of-county locations.



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EXHIBIT

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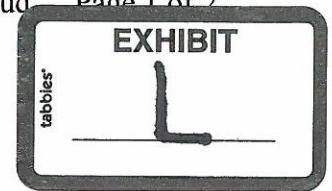




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EXHIBIT  
**K**





## Eye on the East Bay: 'Game of Thrones' star's guest appearance draws Mountain of an audience

Updated: 09/11/2015 05:11:37 PM PDT

ContraCostaTimes.com

GAME OF CROWDS: The strongman actor who plays "The Mountain" on the HBO drama "Game of Thrones" left a big impression over Labor Day weekend in his first appearance at the Scottish Highland Gathering & Games in Pleasanton.

Bjornsson's character, Gregor "The Mountain" Clegane, is known as the scariest warrior on a show with many brutal deaths.

But in autograph sessions over Labor Day weekend, Bjornsson was a crowd pleaser, not a crowd killer. He held up babies and gave his ferocious scowl for photo takers.

The Icelandic actor and professional weight lifter didn't have much time for interviews, but he responded by email to some questions from The Eye.

He wrote that his favorite "Game of Thrones" character is Queen Cersei, the promiscuous schemer with a penchant for having people murdered.

And why her? we asked. "I could tell you, but then I'd have to..."

We also asked Bjornsson if he is like his "Mountain" character.

"When I compete we can be quite similar," he wrote, "but on an every day basis, we are quite different."

Good to hear that. Hafthor probably wouldn't be invited back to the Scottish Games if he crushed anyone's skull or cut off some arms or heads.

Busby said the games would like to have "The Mountain" return next year.

→ NO REST FOR THE WICKED: The illegal dumping of garbage -- not littering, but willful, wanton unloading of big, unwanted items and/or piles of trash in places it doesn't belong -- has reached epidemic proportions in some parts of the Easy Bay, often in gutters alongside roads less traveled, or relatively far from the madding crowd.

In one recent example in Pleasant Hill, though, neighbors weren't taking dumped mattresses lying down.

When several mattresses and box springs appeared recently alongside Morello Avenue between lower Paso Nogal Road and Netherby Drive, someone took the liberty of responding, in marker on corrugated cardboard, taped to the offending bedroom furniture:

"If you are the pig who dumped this, I pray you receive insomnia"

Nearby resident Felix Rodriguez said all these items were picked up shortly after the above photo was made.



ROSIE RALLY REVISITED?: The Eye hopes that the more than 1,000 women and girls who turned out for the (hopefully) record-setting Rosie Rally on Aug. 15 at Marina Bay Park in Richmond are hanging on to those overalls and bandanas. The gauntlet was thrown down even as the Rosie the Riveter Trust awaited the official word from Guinness World Records that the Richmond event set a new mark for most women gathered at one time dressed as the World War II home front icon. That word came Friday.

As part of ongoing efforts led by the Yankee Air Museum in Michigan to save part of the historic bomber plant, an attempt to regain the record from Richmond is being planned for Oct. 24.

It will then be up to Richmond and the Bay Area to rally as Rosie again.

Staff writers Denis Cuff, Sam Richards and Chris Treadway contributed to this report.



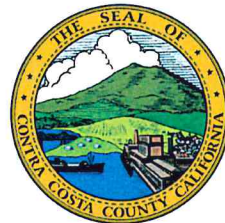
# GREEN WASTE DISPOSAL & RECYCLING

Landscaping work in Contra Costa County generates a large amount of solid waste. Some of this waste ends up illegally dumped or taken to illegal transfer stations, causing significant environmental problems and blight.

Taking landscaping waste to an approved disposal site or recycling facility will ensure that the material is handled in a manner that protects the environment and public health.



For more information visit  
[cchealth.org/eh](http://cchealth.org/eh)



July 16, 2015

## HOW AND WHERE TO DISPOSE OF GREEN WASTE IN CONTRA COSTA COUNTY



  
**CONTRA COSTA  
ENVIRONMENTAL HEALTH**

A Division of Contra Costa Health Services  
2120 Diamond Blvd, Suite 200  
Concord, CA. 94520  
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925-674-7200 • [www.co.contra-costa.ca.us/3383/Conservation-and-Development](http://www.co.contra-costa.ca.us/3383/Conservation-and-Development)

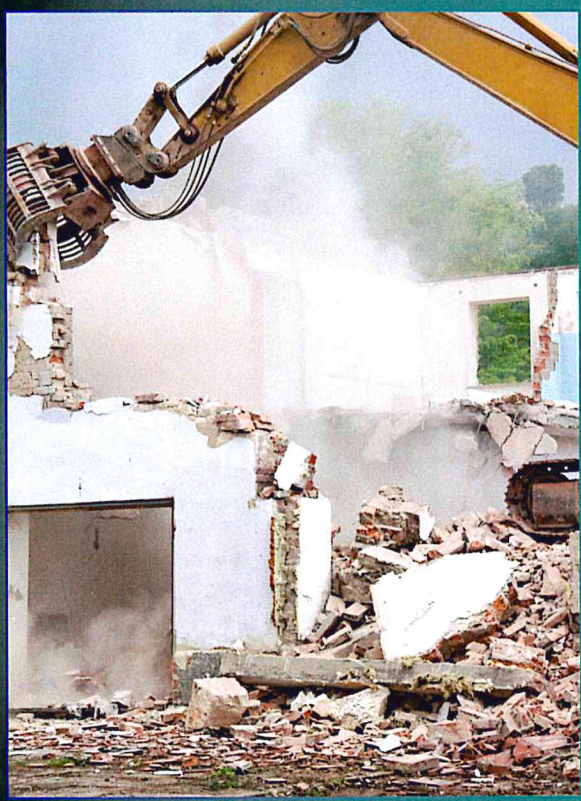




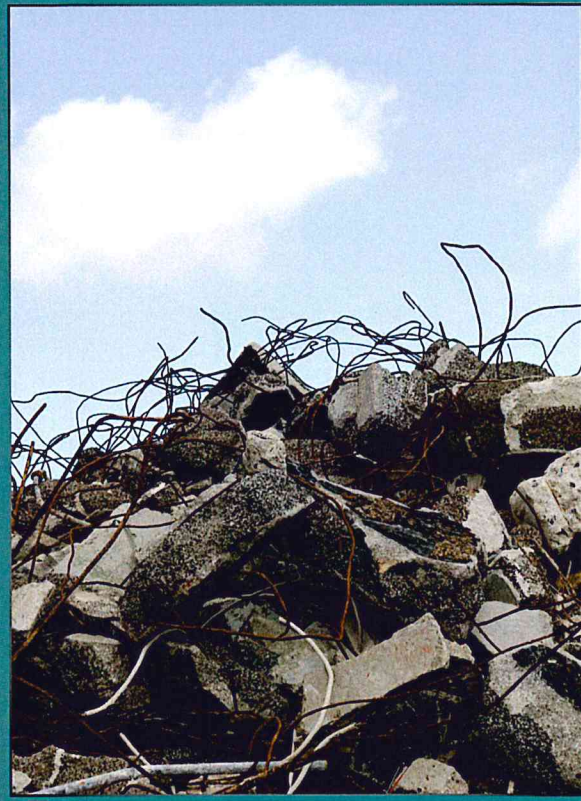
# CONSTRUCTION & DEMOLITION DEBRIS DISPOSAL & RECYCLING

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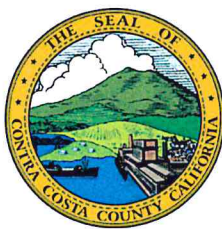
and blight. Taking construction and demolition debris to an approved disposal site or recycling facility will ensure that the material is handled in a manner that protects the environment and public health.



## HOW AND WHERE TO DISPOSE OF CONSTRUCTION & DEMOLITION DEBRIS IN CONTRA COSTA COUNTY



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July 16, 2015

  
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ENVIRONMENTAL HEALTH**  
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925-692-2503 fx



# CONSTRUCTION & DEMOLITION DEBRIS RECYCLING & DISPOSAL LOCATIONS

The following are locations for construction and demolition disposal or recycling in Contra Costa County.

Byron	
<b>Woodmill Recycling</b> 5595 Byron Hot Springs Road woodmillrecycling.com	925-634-3669
Martinez	
<b>Acme Landfill</b> 950 Waterbird Way acmelandfill.com	925-228-1139
<b>Contra Costa Transfer and Recovery</b> 951 Waterbird Way	925-313-8900
Pittsburg	
<b>Keller Canyon Landfill</b> 901 Bailey Road	925-458-9800
<b>Mt. Diablo Recycling Center and Transfer Station</b> 1300 Loveridge Road contracostawaste.com	925-473-0180
Richmond	
<b>West County Organics &amp; Golden Bear Transfer Station</b> 1 Parr Boulevard	510-970-7242

Contact the facility to verify the types of waste accepted, if there are any residency or direct-hauling restrictions, hours of operation and fees.

If you hire someone to clean up, remove or dispose of waste, use a reputable company and verify that they are taking the waste to an approved facility for disposal or recycling. Consider asking for a receipt or other verification that the waste materials were properly

disposed of or recycled.

In areas served by franchised solid waste collections companies, you may be required to use the franchised or permitted hauler, depending on the type of waste and other factors, including for debris boxes. Contact the local solid waste authority for more information.

The waste authority websites have additional information regarding recycling and disposal, including out-of-county locations.



Central Contra Costa Solid Waste Authority covers Danville, Lafayette, Moraga, Orinda, Walnut Creek and unincorporated areas in Central Contra Costa  
925-906-1801 • [recyclesmart.org](http://recyclesmart.org)

West Contra Costa Integrated Waste Management Authority covers El Cerrito, Hercules, Pinole, Richmond, San Pablo and unincorporated areas in West Contra Costa  
510-215-3125 • [recyclemore.com](http://recyclemore.com)

Contra Costa County Conservation and Development covers unincorporated areas in Contra Costa County not served by a waste management authority  
925-674-7200 • [www.co.contra-costa.ca.us/3383/Conservation-and-Development](http://www.co.contra-costa.ca.us/3383/Conservation-and-Development)





# Contra Costa County Board of Supervisors

## Subcommittee Report

### INTERNAL OPERATIONS COMMITTEE

5.

**Meeting Date:** 10/12/2015

**Subject:** ANNUAL REPORT ON THE LOCAL BID PREFERENCE PROGRAM

**Submitted For:** Julia R. Bueren, Public Works Director/Chief Engineer

**Department:** Public Works

**Referral No.:** IOC 15/4

**Referral Name:** LOCAL BID PREFERENCE PROGRAM

**Presenter:** David Gould, Procurement Services  
Manager

**Contact:** David Gould (925)  
313-2151

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### **Referral History:**

On August 10, 2004, the Board of Supervisors referred to the Internal Operations Committee (IOC) the creation of a policy to grant a five percent preference to Contra Costa County vendors on all sealed bids or proposals, except with respect to those contracts which state law requires to be granted to the lowest bidder, and review of an ordinance to be drafted by County Counsel to enact this policy. The 2005 IOC proposed a new ordinance to the Board of Supervisors, and the Board adopted the local bid preference ordinance to support small local business and stimulate the local economy at no additional cost to the County. The ordinance provides that if the low bid in a commodities purchase is not a local vendor, any responsive local vendor who submitted a bid over \$25,000 that was within 5% percent of the lowest bid has the option to submit a new bid. The local vendor will be awarded if the new bid is in an amount less than or equal to the lowest responsive bid, allowing the County to favor the local vendor but not at the expense of obtaining the lowest offered price.

The ordinance defines a local vendor as any business that has its headquarters, distribution point, or locally-owned franchise located within the county for at least six months immediately prior to the issuance of the request for bids, and holds a valid business license by a jurisdiction in Contra Costa County.

Since adoption, the IOC has continued to monitor the effects of the program through annual reports prepared and presented by the Purchasing Agent or designee. The Public Works Department made its last status report in September 2014 and also made a presentation to the Board of Supervisors in November 2014 regarding how County dollars spent locally have a positive impact on the local economy in terms of small business support, job creation, new spending and additional tax revenue. The department had set a goal to utilize available technology to increase the visibility of local businesses that offer services needed by County departments.

### **Referral Update:**



Attached is the FY 2014/15 Local Bid Preference Program report prepared by the Procurement Services Manager. Six bids met the program criteria in 2014/15 and awards were made under the program to local bidders in four of the six cases. This experience demonstrates that the program works for procurements that meet the program criteria. The challenge remains for local businesses become more competitive with out-of-county businesses.

**Recommendation(s)/Next Step(s):**

ACCEPT annual report prepared by the Public Works Department on the County's Local Bid Preference Program.

**Fiscal Impact (if any):**

No fiscal impact, as this is only an informational report. The program itself results in no financial loss to the County because purchase orders are still awarded to the lowest bidder. The program merely gives a second opportunity for local bidders who are within 5% of the lowest bid to meet or beat the lowest bid. The objective of the program is to stimulate the local economy and job creation.

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**Attachments**

FY 2014/15 Local Bid Preference Program Annual Report

**Minutes Attachments**

*No file(s) attached.*

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## Memo

September 25, 2015

**TO:** Internal Operations Committee  
**FROM:** David J. Gould, Procurement Services Manager  
**SUBJECT:** ANNUAL REPORT ON THE LOCAL BID PREFERENCE PROGRAM

### Recommendation

Accept the report on purchasing solicitations awarded to local businesses during Fiscal Year '14-'15, and the Value of purchase orders awarded to local business during the same period.

### Background

In 2005 the Board of Supervisors adopted the Local Bid Preference Program, County Ordinance 1108-2.47 in 2006. Under the program, if the low bid in a commodities purchase is not a local vendor, any local vendor who submitted a bid within 5% of the lowest bid has the option to submit a new bid. If the new bid is for an amount less than or equal to the lowest bid, the award may be made to the local vendor. This program applies to bids over \$25,000.

### Local Bid Preference Program Results

Purchasing Services processed 83 solicitations using Bidsync. Of the 83 bids, 24 were for products or equipment and 59 were for services or construction. There were six bids that met the criteria for the Local Bid Preference Program. Awards were made to four local vendors under the program. Purchase Orders or contracts were issued valuing \$275,442.

	2011-12	2012-13	2013-14	2014-15
Formal Bids Meeting Criteria	29	17	6	6
Bids Awarded to Local Vendors	13 (45%)	14 (82%)	6 (100%)	4 (67%)
Award Value	\$948,000	\$1,620,000	\$382,294	\$275,442

An evaluation was done to determine the total value of purchase orders issued to local vendors. Purchase orders were grouped into three categories; 1) Local Contra Costa County businesses, 2) Businesses within the other eight bay area counties, 3) Businesses outside the bay area.



The total value of new purchase orders issued during the previous fiscal year was \$ 116,392,775. The percentage of purchase orders awarded to local and bay area businesses is 38%, up from 28% for the previous period. The value of purchase orders awarded to Bay Area businesses was \$ 44,395,562.

**Fiscal Year 2014-2015**

New Purchase Orders	Contra Costa County	Other Bay Area Counties	Outside Bay Area
\$ 116,392,725	\$ 23,046,509	\$ 21,349,053	\$ 71,997,163
100%	20%	18%	62%

**Fiscal Year 2013-2014**

New Purchase Orders	Contra Costa County	Other Bay Area Counties	Outside Bay Area
\$ 117,341,377	\$ 18,166,897	\$ 15,392,375	\$ 83,782,105
100%	15.5%	13.1%	71.4%

**Fiscal Year 2012-2013**

New Purchase Orders	Contra Costa County	Other Bay Area Counties	Outside Bay Area
\$ 102,241,209	\$ 19,856,096	\$ 32,467,756	\$ 49,917,357
100%	19%	32%	49%

CC: J. Bueren



# Contra Costa County Board of Supervisors

## Subcommittee Report

### INTERNAL OPERATIONS COMMITTEE

6.

**Meeting Date:** 10/12/2015

**Subject:** RECOMMENDATIONS FOR DISPOSITION OF LOW MILEAGE FLEET VEHICLES

**Submitted For:** Julia R. Bueren, Public Works Director/Chief Engineer

**Department:** Public Works

**Referral No.:** IOC 15/3

**Referral Name:** Review of Annual Master Vehicle Replacement List and Disposition of Low-Use Vehicles

**Presenter:** Joe Yee, Deputy Public Works Director    **Contact:** Carlos Velasquez 925....

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#### **Referral History:**

Each year, the Public Works Department Fleet Services Manager has analyzed the fleet and annual vehicle usage and made recommendations to the IOC on the budget year vehicle replacements and on the intra-County reassignment of underutilized vehicles, in accordance with County policy. In FY 2008/09, the Board approved the establishment of an Internal Services Fund (ISF) for the County Fleet, to be administered by Public Works (formerly by the General Services Department). The Board requested the IOC to review annually the Public Works department report on the fleet and on low-mileage vehicles.

On September 9, 2013, the IOC accepted a preliminary annual report from the Public Works department and requested the Fleet Manager to return in March 2014 with final recommendations on the disposition of low mileage vehicles. The Fleet Manager, in March 2014, identified 44 low mileage vehicles out of 893 vehicles in the Internal Services Fund Fleet and consulted with each department in the formulation of recommendations. The Committee approved the Fleet Manager's recommendation to install GPS telemetrics devices on 12 of the 44 low mileage vehicles, and also asked the Auditor's Office to examine the extent to which the County's Clean Air Vehicles Policy was being observed.

The Chief Auditor, in July 2015, reported that as of February 28, 2015, 18% of the fleet were clean air vehicles, 36.2% were not clean air vehicles but were exempted by the policy or by the Fleet Manager, and 45.8% were not exempt and not in compliance with the clean air vehicle policy. The Fleet Manager emphasized his commitment to downsizing the fleet and right-sizing County vehicles. The Committee asked the Fleet Manager to update the 2008 County Clean Air Vehicle Policy to also to reflect current technology such as electric and hydrogen fuel cell vehicles, and current funding incentives, and to segregate large construction vehicles from regular trucks and sedans in future reports to make the statistical reporting more meaningful.

#### **Referral Update:**



In follow-up to the Committee's direction in July, the Public Works Department has prepared the attached report and recommendations for modifying the County's Vehicle and Equipment Acquisition and Replacement Policy, and Clean Air Vehicle Policy and Goals.

**Recommendation(s)/Next Step(s):**

ACCEPT follow-up report from the Fleet Services Manager on efforts to "green" the County Fleet and CONSIDER approving recommendations on modifying the County's Vehicle and Equipment Acquisition and Replacement Policy, and Clean Air Vehicle Policy and Goals.

**Fiscal Impact (if any):**

Reassigning underutilized vehicles would increase cost efficiency but the fiscal impact was not estimated.

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**Attachments**

Public Works Report on Greening the County Fleet

Proposed/Modified Vehicle-Equip Acquisition-Replacement Policy Clean Version

Proposed/Modified Vehicle-Equip Acquisition-Replacement Policy Marked-up Version

**Minutes Attachments**

*No file(s) attached.*

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# Contra Costa County Public Works Department

Julia R. Bueren, Director

Deputy Directors  
R. Mitch Avalon  
Brian M. Balbas  
Stephen Kowalewski  
Joe Yee

DATE: October 5, 2015

TO: Internal Operations Committee

FROM: Carlos Velasquez, Fleet Manager, Fleet Services

SUBJECT: Internal Operations Committee's request for recommended revisions to Administrative Bulletin 508.4 County Vehicle and Equipment Acquisition and Replacement Policy, and Clean Air Vehicle Policy and Goals and to break out large construction vehicles from Clean Air Vehicle report.

The attached document contains revisions to Administrative Bulletin 508.4 which includes administrative changes to update the Bulletin to reflect the merger of the General Services Department into the Public Works Department and suggestions to expand the definition of Clean Air Vehicles to include electric and fuel cell technology.

In order to better illustrate the County's progress toward a cleaner and greener fleet, we have reformatted the information below to only include light, on-highway vehicles in the statistical information since these are the vehicle types that have the greatest opportunity for alternative fuel power plants.

Fiscal Year	Total # of Vehicles in County Fleet (Light On-Highway)	# of Vehicles Exempt from Clean Air Vehicle Policy (Patrol, Fire, Paramedic, etc.)	# of Clean Air Vehicles (electric, CNG, hybrid)
2012-13	726	290	165
2013-14	865	380	183
2014-15	919	398	191

Public Works Fleet Services has been proactively working under the County's Clean Air Vehicle Policy guidelines with the intent of achieving a greener fleet. Fleet Services continues to educate our customer departments regarding the advantages and benefits of downsizing and right-sizing the Fleet. This includes the practice of replacing unleaded fueled vehicles with Hybrid, Electric or Compressed Natural Gas units where applicable. Hydrogen fuel cell technology will also be considered in the future as the hydrogen fueling infrastructure grows and units become more affordable. A blended, standardized Fleet is the ideal combination we are striving to achieve.

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*"Accredited by the American Public Works Association"*

255 Glacier Drive Martinez, CA 94553-4825  
TEL: (925) 313-2000 • FAX: (925) 313-2333  
[www.cccpublicworks.org](http://www.cccpublicworks.org)



Fleet Services is committed to supplying our customer departments with alternative fueled vehicles and equipment whenever possible, while also maintaining operational needs and cost effectiveness. This commitment to lower our carbon footprint on our planet includes providing or sourcing alternative fuels for use in County vehicles in place of fossil fuels whenever possible. For example, Fleet Services is no longer purchasing bio-diesel and has switched over to 10% renewable diesel at 5 cents less per gallon.

Fleet Services currently supplies gasoline, 10% renewable diesel, and compressed natural gas fuels for all County units at the County Fueling Station located at 2471 Waterbird Way. Fuel products are available to our customers 24 hours per day, 7 days per week. Electric vehicle charging stations are available at the 651 Pine Street rear parking lot and at the Fleet Service Center at 2467 Waterbird Way for the County's electric vehicles. We are looking at expanding the number of charging stations to service County electric vehicles at department sites as well as providing some available to the public and employees for their private vehicles.

*Alternative fuel products dispensed to county vehicles (FY 14/15)*

<b>Compressed Natural Gas</b>	<b>Bio-Diesel (5%)</b>
Transactions: 1,493	Transactions: 5,365
Avg unit Price: \$3.10	Avg unit Price: \$3.29
Quantity of Product: 8,237 GGE	Quantity of Product: 111,713 gal

During the previous fiscal year (FY 2014-15) Fleet Service purchased more hybrid, CNG, and 100% electric vehicles than any prior years.

*3 Year Purchase cycle (ISF) Hybrid, CNG, Electric*

<b>Units Purchased</b>	<b>Vehicle Fuel Type</b>	<b>Model YR</b>
15	HYBRID	2013
5	HYBRID	2014
11	COMPRESSED NATURAL GAS	2015
9	ELECTRIC	2015
31	HYBRID	2015
1	HYBRID	2016
<b>72</b>		

CV:ck

C:\Users\jyee\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\ZZ3G551G\FINAL  
Green Vehicle Report Memo - IOC 10.5.15.doc

Attachment

c: J. Bueren, Public Works Director

J. Yee, Deputy Public Director

CONTRA COSTA COUNTY  
Office of the County Administrator  
ADMINISTRATIVE BULLETIN

Number: 508.4  
Date: October 24, 2015  
Section: Property and Equipment

SUBJECT: County Vehicle and Equipment Acquisition and Replacement Policy, and  
Clean Air Vehicle Policy and Goals

This bulletin sets forth County policy and guidelines for department requests for acquisition and replacement of County vehicles and equipment.

- I. APPLICABILITY.** This bulletin is applicable to addition and replacement vehicles and equipment to be acquired by County departments either through purchase, lease purchase or donation.
- II. AUTHORITY.** By Board Order, Item C.162, July 18, 2000, proposed County Vehicle/Equipment Acquisition and Replacement Policy

**III. POLICY GUIDELINES**

Additional and replacement vehicles and equipment to be acquired by County departments either through purchase, lease purchase or donation must be appropriate for the intended use, within the approved budget, safe to operate, and cost efficient both to operate and maintain. The expected annual use of any vehicle should be in excess of 3,000 miles. Dedicated Compressed Natural Gas (CNG) and battery electric vehicles with frequent and demonstrated short trip usage patterns may be exempted from the County minimum mileage requirement. Replacement priority will be given to vehicles and/or equipment that are determined by the Public Works Department Fleet Manager (Fleet Manager) to be unsafe, in the poorest condition, uneconomical to operate or maintain, or have the highest program need.

- A. ACQUISITION OF REPLACEMENT VEHICLES/EQUIPMENT** The acquisition of "replacement" vehicles or equipment may be approved by the Fleet Manager and County Administrator, provided that the vehicle being replaced meets or exceeds the minimum mileage criterion and/or the vehicle/equipment is damaged beyond economical repair as determined by the Fleet Manager.

Vehicles and equipment will be considered for replacement or, in the case of low utilization, reassignment to another function or department, when one or more of the following conditions exist as determined by the Fleet Manager.

1. Replacement parts are no longer available to make repairs
2. Continued use is unsafe
3. Damage has made continued use infeasible
4. Cost of repair exceeds the remaining value



5. Low utilization (usage does not exceed 3,000 miles per year) cannot justify ongoing maintenance and insurance costs

B. MILEAGE EVALUATION INTERVALS At the mileage intervals specified below, vehicles will be evaluated to determine their condition and expected life. The Fleet Manager is to make such evaluations in accordance with the following schedule. Evaluations may be conducted sooner under certain conditions, such as when a vehicle needs repairs more often than other vehicles of the same class and age, or when a vehicle has been damaged. After initial evaluations, a vehicle will be re-evaluated every 12,000 miles or until it reaches the end of its life, at which time it will be declared surplus.

VEHICLE TYPE	EVALUATION INTERVAL
Sedans	90,000 miles
Sheriff Patrol Sedans	90,000 miles
Passenger Vans	90,000 miles
Cargo Vans	90,000 miles
Sports Utility Truck	100,000 miles
Pickups and 4x4	100,000 miles
Medium/Heavy Duty Trucks	120,000 miles
Buses	180,000 miles
School Buses	8 years/(inspect every 45 days by law)
Miscellaneous Equipment	Depends on Condition

C. EQUIPMENT ABUSE, NEGLIGENCE, AND MISUSE Departments utilizing County equipment shall be responsible for all costs associated with driver abuse, negligence, or misuse of County equipment. Determination of abuse, negligence, or misuse will be at the discretion of the Fleet Manager. The Fleet Manager shall notify the department using the equipment of any charges covered under this section.

D. VEHICLE CITATIONS, PARKING TICKETS, AND TOLL EVASION NOTICES The department utilizing the equipment shall be responsible for ensuring payment of all citations, parking tickets, and toll evasion notices attributed to any equipment. Citations or tickets attributed to equipment due to administrative reasons (license, titling, registration, etc.) will be the responsibility of the Fleet Manager to resolve, with the exception of expired registration tabs on undercover vehicles. The department utilizing the equipment is responsible for ensuring undercover plated vehicles display a current registration tab.

- E. ACQUISITION OF ADDITIONAL VEHICLES/EQUIPMENT Departments requesting acquisition of an additional vehicle or piece of equipment must demonstrate the need and identify the source of funding for the acquisition and its ongoing maintenance. Funds for the acquisition of additional or replacement vehicles/equipment must be appropriated in the County budget before such acquisition can occur. This appropriation may be included in the annual County Budget adopted by the Board of Supervisors or may occur via a budget appropriation adjustment approved by the Board during the fiscal year. The attached form shall be used for each [Vehicle and Equipment Request Form](#) and forwarded to the County Administrator's Office, Budget Division, upon whose approval the request will be sent to the Fleet Manager for technical recommendations.

Any vehicle and/or equipment that is offered as a donation to the County must be inspected by the Fleet Manager and determined to be in good operating condition, safe, and efficient to operate and maintain prior to acceptance. If the vehicle does not meet these criteria, the donation is not to be accepted. Donated vehicles and equipment require a signed Board Order before the donated equipment may be accepted.

#### **IV. CLEAN AIR VEHICLE POLICY AND GOALS**

It is the intent of the County to procure the most fuel efficient and lowest emission vehicles and reduce petroleum fuel consumption. Vehicle and equipment purchases shall be operable on available County alternate fuel sources to the greatest extent practicable and must comply with all applicable clean air and vehicle emission regulations.

- A. VEHICLE PURCHASES Alternate fuel (electric, Compressed Natural Gas (CNG), fuel cell, etc.) vehicles shall be procured to the greatest extent practicable. If an alternate fuel vehicle is not operationally feasible, a hybrid electric vehicle shall be the next type considered for procurement. Vehicle purchases other than alternate fuel or hybrid electric require specific justification and approval by the Fleet Manager and shall be rated no lower than Partial Zero Emission Vehicle (PZEV) by the California Air Resources Board when possible.



- B. EXEMPTION FROM CLEAN AIR VEHICLES POLICY Marked emergency response vehicles (e.g. police patrol, fire, paramedic, and other Code 3 equipped units), may be exempt from the Clean Air Vehicle Policy. The Fleet Manager may also grant exemptions for vehicles used primarily for prisoner transport or when no alternate fuel or low emission vehicle is available that meets the essential vehicle requirements or specifications. The intended use of the vehicle shall be the determining criteria for granting a Clean Air Vehicle Policy exemption.

## **V. DEPARTMENT RESPONSIBILITY**

### **A. Department Head or Designee assigned vehicles**

1. Designate a department staff person to serve as the departments point of contact for all fleet related issues
2. Ensure safe operation of all vehicles and bringing in vehicles to the Fleet Services Center for scheduled preventative maintenance and safety inspection when requested by the Fleet Manager
3. Budget appropriately for all expenses
4. Prepare and submit [Vehicle and Equipment Request Form](#) to the County Administrator's Office, Budget Division for approval of replacement and/or addition of vehicles
5. Enter correct mileage when purchasing fuel
6. Ensure vehicle meets minimum use guidelines
7. Notify Fleet Manager of any vehicle assignment changes

### **B. County Administrator's Office**

1. Review requests for purchase of vehicles for operational need, compliance with County policy, and budgetary impact.

### **C. Public Works Department – Fleet Services Division**

1. Administer and oversee the County Fleet including providing regular preventative maintenance and repairs.
2. Budget for the acquisition and replacement of vehicles and/or equipment
3. Prepare annual report and summary of the distribution of light vehicles and heavy equipment by department for the current fiscal year, the two prior fiscal years, and the recommended distribution for the new fiscal year.

4. Develop light duty vehicle and equipment specifications to increase alternate fuel (CNG, electric, fuel cell, etc.) hybrid electric, and partial zero or less emission vehicle purchases.
5. Identify and procure suitable alternate fuels for use in County vehicles
6. Monitor and identify non-County alternate fuel locations for use by County vehicles

**Originating Department(s):**

County Administrator's Office  
Public Works Department

**Information Contacts:**

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County Administrator's Office –Management Analyst Liaison  
County Fleet Manager at 925.313.7072

**Update Contact:**

County Administrator Senior Deputy, Municipal Services

/s/

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David Twa  
County Administrator



CONTRA COSTA COUNTY  
Office of the County Administrator  
ADMINISTRATIVE BULLETIN

Number: 508.4  
Date: October 24, ~~2008~~2015  
Section: Property and Equipment

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**III. POLICY GUIDELINES**

Additional and replacement vehicles and equipment to be acquired by County departments either through purchase, lease purchase or donation must be appropriate for the intended use, within the approved budget, safe to operate, and cost efficient both to operate and maintain. The expected annual use of any vehicle should be in excess of 3,000 miles. Dedicated Compressed Natural Gas (CNG) and battery electric vehicles with frequent and demonstrated short trip usage patterns may be exempted from the County minimum mileage requirement. Replacement priority will be given to vehicles and/or equipment that are determined by the Public Works Department Fleet Manager (Fleet Manager) to be unsafe, in the poorest condition, uneconomical to operate or maintain, or have the highest program need.

- A. ACQUISITION OF REPLACEMENT VEHICLES/EQUIPMENT** The acquisition of "replacement" vehicles or equipment may be approved by the Fleet Manager and County Administrator, provided that the vehicle being replaced meets or exceeds the minimum mileage criterion and/or the vehicle/equipment is damaged beyond economical repair as determined by the Fleet Manager.

Vehicles and equipment will be considered for replacement or, in the case of low utilization, reassignment to another function or department, when one or more of the following conditions exist as determined by the Fleet Manager.

1. Replacement parts are no longer available to make repairs
2. Continued use is unsafe
3. Damage has made continued use infeasible
4. Cost of repair exceeds the remaining value

5. Low utilization (usage does not exceed 3,000 miles per year) cannot justify ongoing maintenance and insurance costs

B. MILEAGE EVALUATION INTERVALS At the mileage intervals specified below, vehicles will be evaluated to determine their condition and expected life. The ~~General Services Fleet Management Division~~Fleet Manager is to make such evaluations in accordance with the following schedule. Evaluations may be conducted sooner under certain conditions, such as when a vehicle needs repairs more often than other vehicles of the same class and age, or when a vehicle has been damaged. After initial evaluations, a vehicle will be re-evaluated every 12,000 miles or until it reaches the end of its life, at which time it will be declared surplus.

VEHICLE TYPE	EVALUATION INTERVAL
Sedans	90,000 miles
Sheriff Patrol Sedans	90,000 miles
Passenger Vans	90,000 miles
Cargo Vans	90,000 miles
Sports Utility Truck	100,000 miles
Pickups and 4x4	100,000 miles
Medium/Heavy Duty Trucks	120,000 miles
Buses	180,000 miles
School Buses	8 years/(inspect <del>every</del> 45 days by law)
Miscellaneous Equipment	Depends on Condition

C. EQUIPMENT ABUSE, NEGLIGENCE, AND MISUSE Departments utilizing County equipment shall be responsible for all costs associated with driver abuse, negligence, or misuse of County equipment. Determination of abuse, negligence, or misuse will be at the discretion of the ~~GSD~~Fleet Manager. The ~~GSD~~Fleet Manager shall notify the department using the equipment of any charges covered under this section.

D. VEHICLE CITATIONS, PARKING TICKETS, AND TOLL EVASION NOTICES The department utilizing the equipment shall be responsible for ensuring payment of all citations, parking tickets, and toll evasion notices attributed to any equipment. Citations or tickets attributed to equipment due to administrative reasons (license, titling, registration, ~~etc.~~etc.) will be the responsibility of ~~GSD~~the Fleet Manager to resolve, with the exception of expired registration tabs on undercover vehicles. The department utilizing the equipment is responsible for ensuring undercover plated vehicles display a current registration tab.



E. ACQUISITION OF ADDITIONAL VEHICLES/EQUIPMENT Departments requesting acquisition of an additional vehicle or piece of equipment must demonstrate the need and identify the source of funding for the acquisition and its ongoing maintenance. Funds for the acquisition of additional or replacement vehicles/equipment must be appropriated in the County budget before such acquisition can occur. This appropriation may be included in the annual County Budget adopted by the Board of Supervisors or may occur via a budget appropriation adjustment approved by the Board during the fiscal year. The attached form shall be used for each vehicle/equipment acquisition request Vehicle and Equipment Request Form and forwarded to the County Administrator's Office, Budget Division, upon whose approval the request will be sent to the General Services Fleet Management Manager Division for technical recommendations.

Any vehicle and/or equipment that is offered as a donation to the County must be inspected by the GSD Fleet Management Division Fleet Manager and determined to be in good operating condition, safe, and efficient to operate and maintain prior to acceptance. If the vehicle does not meet these criteria, the donation is not to be accepted. Donated vehicles and equipment require a signed Board Order before the donated equipment may be accepted.

#### IV. CLEAN AIR VEHICLE POLICY AND GOALS

It is the intent of the County to procure the most fuel efficient and lowest emission vehicles and reduce petroleum fuel consumption. Vehicle and equipment purchases shall be operable on available County alternate fuel sources to the greatest extent practicable and must comply with all applicable clean air and vehicle emission regulations.

~~A. EXEMPTION FROM CLEAN AIR VEHICLES POLICY — Marked emergency response vehicles (e.g. police patrol, fire, paramedic, and other Code 3 equipped units), are exempt from the Clean Air Vehicle Policy. The GSD Fleet Manager may also grant exemptions for vehicles used primarily for prisoner transport or when no alternate fuel or low emission vehicle is available that meets the essential vehicle requirements or specifications. The intended use of the vehicle shall be the determining criteria for granting a Clean Air Vehicle Policy exemption.~~

A. BSEDAN—VEHICLE PURCHASES Alternate fuel (electric, Compressed Natural Gas (CNG), fuel cell, etc.) and hybrid electric sedans vehicles shall be procured to the greatest extent practicable. If an alternate fuel CNG sedan vehicle is not operationally feasible, a hybrid electric sedan vehicle shall be the next vehicle—type considered for procurement. Sedan—Vehicle purchases other than alternate fuel CNG—or hybrid electric require specific justification and approval by the GSD Fleet Manager and shall be rated no lower than Partial Zero Emission Vehicle (PZEV) by the California Air Resources Board when possible. All County sedan purchases shall be alternate fuel, hybrid electric, or rated as PZEV or greater by the California Air

Resources Board.



~~B. C. VAN/LIGHT TRUCK PURCHASES Vans and light truck shall be alternate fuel or~~

~~C. hybrid electric to the greatest extent practicable.~~

~~D.~~

~~E. D. SPORT UTILITY VEHICLE (SUV) PURCHASES Sport Utility Vehicles (SUVs) will not be purchased unless justified based on specific and verified work assignment and approved by the GSD Fleet Manager. When such vehicles are a necessity every effort should be made to purchase hybrid or alternative fuel vehicles. Any SUV purchases which are not for marked law enforcement or Code 3 emergency response shall be hybrid electric.~~

~~F.B.~~ **EXEMPTION FROM CLEAN AIR VEHICLES POLICY** Marked emergency response vehicles (e.g. police patrol, fire, paramedic, and other Code 3 equipped units), ~~are~~ may be exempt from the Clean Air Vehicle Policy. The Fleet Manager may also grant exemptions for vehicles used primarily for prisoner transport or when no alternate fuel or low emission vehicle is available that meets the essential vehicle requirements or specifications. The intended use of the vehicle shall be the determining criteria for granting a Clean Air Vehicle Policy exemption.

## **V. DEPARTMENT RESPONSIBILITY**

### **A. Department Head or Designee assigned vehicles**

1. Designate a department staff person to serve as the departments point of contact for all fleet related issues
2. Ensure safe operation of all vehicles and bringing in vehicles to the Fleet Services Center for scheduled preventative maintenance and safety inspection when requested by the Fleet Manager
3. Budget appropriately for all expenses
4. Prepare and submit Vehicle and Equipment Request Form to the County Administrator's Office, Budget Division for approval of replacement and/or addition of vehicles
5. Enter correct mileage when purchasing fuel
6. Ensure vehicle meets minimum use guidelines
7. Notify ~~GSD-Fleet~~ Manager of any vehicle assignment changes

### **B. County Administrator's Office**

1. Review requests for purchase of vehicles for operational need, compliance with County policy, and budgetary impact.

C. ~~General Services~~Public Works Department – Fleet Services Division

1. Administer and oversee the County Fleet including providing regular preventative maintenance and repairs.
2. Budget for the acquisition and replacement of vehicles and/or equipment
3. Prepare annual report and summary of the distribution of light vehicles and heavy equipment by department for the current fiscal year, the two prior fiscal years, and the recommended distribution for the new fiscal year.
4. Develop light duty vehicle and equipment specifications to increase alternate fuel (CNG, electric, fuel cell, etc.) hybrid electric, and partial zero or less emission vehicle purchases.
5. Identify and procure suitable alternate fuels for use in County vehicles
6. Monitor and identify non-County alternate fuel locations for use by County vehicles

**Originating Department(s):**

County Administrator's Office

~~General~~ServicesPublic  
Works Department

**Information Contacts:**

County Administrator's Office –Management Analyst Liaison

County Fleet Manager at 925.313.7072

**Update Contact:**

County Administrator Senior Deputy, Municipal Services

/s/

David Twa  
County Administrator





# Contra Costa County Board of Supervisors

## Subcommittee Report

### INTERNAL OPERATIONS COMMITTEE

7.

**Meeting Date:** 10/12/2015

**Subject:** TRIENNIAL REVIEW OF BOARD ADVISORY BODIES - PHASE I  
UPDATE

**Submitted For:** David Twa, County Administrator

**Department:** County Administrator

**Referral No.:** IOC 15/13

**Referral Name:** Advisory Body Triennial Review

**Presenter:** Terry Speiker, Chief Assistant CAO **Contact:** Theresa Speiker (925) 335-1096

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#### **Referral History:**

The Board of Supervisors has asked a number of county residents, members of businesses located in the county and/or county staff to serve on appointed bodies that provide advice to the Board on matters of county or other governmental business. Members provide a resident's, business or county staff perspective on a wide variety of policy issues or programs that the BOS oversees. Their efforts can directly affect the quality of life in Contra Costa County and they provide countless hours in this public service.

Appointees begin their official advisory body involvement through BOS action and serve for a specified term. Each body has an enabling charge and bylaws, which spell out structure, work processes and the expectations of members. Although bodies do not have the authority to hire employees, most bodies have been assigned county or contracted staff to assist the Chair, Vice Chair and the members with conducting the business of each body and providing regular reports, recommendations and advice to the BOS or other units of government. The business of each body is public and governed by all the applicable state and local laws about transparency and availability of the body's records to the members of the public. Some bodies are required to adopt a conflict of interest code, although the Fair Political Practices Commission asked us in 2014 that we review all bodies with these code requirements to see if they are legally necessary, according to State Law. Bodies are expected to file an annual work plan with the BOS and a list of goals and priorities that will guide their work for that year. They also are asked to submit an annual report that summarizes their accomplishments and activities.

Periodically the BOS evaluates and examines the advisory bodies to determine if any changes are needed in the structure, composition, Board charge, enabling mandate, assignments or the inner workings of the bodies. Some of these reviews have led to changes in bylaws, membership requirements, structure, enabling charges, assignments/duties or sun-setting of the body.

Beginning in 2010 and concluding in 2011/2012, the BOS conducted an extensive review of advisory body policies, makeup and structures and passed Resolution Nos. 2011/497 and 2011/498, which revised and restated the Board's governing principles for the bodies. The Resolutions dealt with all bodies, whether created by the BOS as discretionary or those that the BOS is mandated to create by state or federal rules, laws or regulations. The Resolutions directed the CAO/COB's Office to institute a method to conduct a rotating triennial review of each body and to report on the results of that review and any resulting staff recommendations to the BOS, through the IOC, on a regular basis.

The Resolutions laid out the questions and issues on which the Supervisors wanted the report to be based and directed that the information be requested from and submitted by each advisory body once every three years. Board members were particularly interested information concerning whether or not advisory bodies should continue in their existing forms or structures or if their duties, or membership should be changed. They also asked for staff comments on the possibility to sunset committees or to merge bodies together for more efficiencies, greater productivity or better service to the public.

The first phase report of the current Triennial Review Cycle was considered by the IO Committee on April 13, 2015. At that time, the Supervisors approved many of the recommendations in the report. However, they also asked the CAO's Office to return with additional information about a number of the advisory bodies.

#### **Referral Update:**

This memo contains information addressing issues raised during the April IOC meeting about the bodies listed below. A summary of each response follows, along with reports that have been received to date:

- **Agricultural Task Force:** Questions were referred to the Agriculture/Weights and Measures Department following the April IOC meeting, requesting a review of the Task Force's charge, work efforts and structure. The Department Head is working on this project and can present an update and recommendations at a future meeting.
- **Alcohol and Other Drugs Advisory Board:** The Health Services Department staff has conducted an extensive review of this advisory body and its work and structure. The Department is recommending a modification of the committee structure and meeting schedules that will allow the advisory body members to continue conducting valuable outreach and policy research but will not be as labor intensive or staff dependent as the current structure. A copy of the structure as modified is attached. If the IOC and BOS agree with the department's recommendations, Health Services staff will work with advisory body leadership to rewrite the committee bylaws for BOS approval.
- **Arts and Culture Commission:** The Commission has considered the question of whether or not they wish to/or the time is right for them to spin off as a non-profit. For the present time, they request continuation as an advisory body to the BOS with the same level of staff support. They will consider the possibility of becoming a non-profit at some future time.
- **Contra Costa County Advisory Council on Aging:** EHSD has been without a permanent Bureau Chief for the Aging and Adult Services for the past six months. CAO staff recommends that the review of the duties and functions of this Committee be continued until a new Bureau Chief can have sufficient time to understand and respond to the issues

and questions laid out in the Triennial Review report. Another item concerning this advisory body was researched by CAO staff. The matter is whether or not Advisory Council members should continue to fill out the Form 700. Based on CAO staff review, the recommendation is to continue having advisory committee members fill out the Conflict of Interest Form 700 because their recommendations appear to be routinely implemented by the Department's administration and approved by the BOS.

- **Countywide Bicycle Committee and CCTA Countywide Bicycle and Pedestrian Committee:** The Public Works Department and the Department of Conservation and Development have reviewed both bodies and are recommending no change in or expansion of the charges, work duties or structure of either body at this time.
- **Commission for Women:** Questions were raised during the IOC meeting about staff support and the number of members on the Commission; responses follow, summarized in a report from the Commission Chair. The advisory body members have reviewed their work and structure and recommend that either a small (no more than 5 members) or no reduction in membership occur at this time. They view larger membership as necessary to get the Commission work done without additional staff support from the county. Current membership is at 14, with full membership currently set at 25. The Senior Deputy CAO who works with this advisory body has conducted a review of the possibility of finding county funds to provide additional staff support and indicates that no funds for expanded staff support are available at this time.
- **Economic Opportunity Council:** The IOC asked for a report on how Community Services Block Grant funds are spent, specifically the percentage being spent for employee salary costs versus what is spent on programs and programming. Other questions that were raised had to do with the structure and work load of the Economic Opportunity Council. Attached is a response from Departmental and program staff to the questions raised by IOC members. EHSD/CSB staff will attend the IOC to answer any additional questions or concerns raised by Supervisors.
- **Emergency Medical Care Committee:** The Senior CAO Deputy who works with the EMS program and the EMS Director laid out a plan with the committee to review their by-laws and rewrite them, especially as it relates to membership and size of the committee. The full Committee will review the proposed by-law changes at their September meeting and will come to the BOS for review and approval. At this same meeting, the membership will review and discuss their role so that members clearly understand that they serve in an advisory role to the BOS. The EMCC Executive Committee has offered to attend a future IOC meeting to discuss these items further or in more detail.
- **Historical Landmarks Committee:** The Department of Conservation and Development has reviewed the work of this committee and requests that the BOS continue it as an advisory body to both the Department and the Supervisors, with the same structure, duties and membership as currently exists.
- **Public and Environmental Health Advisory Board and Hazardous Materials Commission:** At the IOC meeting, the Health Services Department was asked to review the work of these bodies and determine if they could/should be merged or other changes made. The Department has asked for some additional time to complete this review, since the new Public Health Director has just begun his job. A return to the IO Committee with a response from the department could occur within the next 60-90 days.



**Recommendation(s)/Next Step(s):**

ACCEPT status report from the County Administrator on outstanding issues and information requests stemming from Phase 1 of the Board Advisory Body Triennial Review provide provide direction to staff on further action, if any.

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**Attachments**

Alcohol & Other Drugs Advisory Board Follow-up

Economic Opportunity Council Follow-up

**Minutes Attachments**

*No file(s) attached.*

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CYNTHIA BELON, LCSW  
BEHAVIORAL HEALTH DIRECTOR



CONTRA COSTA COUNTY  
BEHAVIORAL HEALTH DIVISION

ALCOHOL AND OTHER DRUG  
SERVICES ADMINISTRATION  
1220 Morello Avenue, Suite 200  
Martinez, CA 94553  
Ph (925) 335-3330  
Fax (925) 335-3318

TO: Theresa Spieker, Chief Assistant County Administrator

FR: Fatima Matal Sol, Program Manager  
Submitted for: Cynthia Belon, Behavioral Health Division Director

RE: Triennial Advisory Body Review- Phase I of III. Item B2 Contra Costa County Alcohol and Other  
Drugs Advisory Board- AOD Administration Recommendations

DT: August 3, 2015

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### **Referral History**

The Board of Supervisors established the Alcohol and Other Drugs Advisory Board (AODAB) of Contra Costa in 1992 in response to State legislation (Health and Safety Code 11809 and 11964 (k) that mandated the establishment of Drug Advisory Boards and Alcohol Advisory Boards by counties. On March 2, 1993, this legislative mandate was repealed when the Legislature approved Senate Bill 627, as reported in Legislative Counsel's Digest "Permit[s] a county to eliminate or consolidate any health advisory boards that are required by state law or regulation, or in any existing contract with the [State]." Consequently, the State mandate for the county to create advisory boards was abolished under SB627 in 1993. On June 28, 1993, the IO Committee amended the status of the AODAB from a State-mandated committee to a discretionary advisory body of the Board of Supervisors to conduct outreach and education on behalf of its constituencies, who are individuals and groups seeking to access, deliver or improve the County's drug and alcohol related services and programs.

On March 6, 2007, the BOS adopted a formal process or Triennial Review through Board Order OA.6 to conduct a comprehensive review of all Boards and Commissions on regular basis. Reviews of the County's citizen advisory bodies started in 2005 and continued through 2011/12. The purpose of the periodic reviews is to provide the BOS with the opportunity to make various policy changes, procedural, structural or program recommendations for some bodies, and sun-setting or consolidation of others. In April 2015, the Internal Operations Committee of the Board of Supervisors during the first phase of the Triennial Review of Advisory Bodies conducted a comprehensive evaluation of several advisory bodies, including the Alcohol and Other Drugs Advisory Board.



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Contra Costa Hazardous Materials • Contra Costa Mental Health Services • Contra Costa Public Health • Contra Costa Regional Medical Center • Contra Costa Health Centers  
•Contra Costa Homeless Services

The outcome of the review conducted in April 2015, was noted in the Triennial Review of County Advisory Bodies report. Pages 15 through 16 specifically focus on the Alcohol and Other Drugs Advisory Board, and it includes staff recommendations to the Alcohol and Other Drugs Administration to reevaluate the highly formal structure of the Advisory Board to reduce county staff workload and the amount of county resources dedicated to prepare and deliver reports, agendas, meeting packages, and detailed minutes.

### **Referral Update**

The IO Committee directed AOD Program Manager and the BH Director to determine ways to continue AODAB outreach and advocacy activities and to continue supporting the mission of the Board while mitigating the level of county staff dedicated to support the AODAB's work-related activities. The IOC also requested staff to report back with its findings and recommendations to continue supporting the AOD Board's mission with alternate organizational structure models.

### **Recommendation[s] Next Steps**

After a substantial review of the AOD Board's structure and reviewing other County's advisory body structures, along with other existing Counties' AOD Boards, the following are recommendations based on the role, focus, mission and target population of the AOD Board.

### **Mission and Role**

Both the Behavioral Health Division and the Alcohol and Other Drugs Administration value and clearly benefit from the advice and assistance from the AODAB to obtain inclusive and diverse stakeholder participation in the BH Integration process, supporting the development and update of Strategic Plans, and is overall consistent with the organizational values of our services.

The AOD Board has a significant history of acting as a catalyst for creating opportunities for dialogue with the community to learn and provide input on various AOD emergent issues. For instance, prescription drug abuse, underage drinking, alcopops, reentry, needle exchange, marijuana legalization, etc. The AOD Administration is cognizant of the key role of the AODAB and values their volunteer time as they assist AOD in eliciting participatory and diverse community stakeholder processes.

Unlike other advisory committees, it is recommended however, that Board members clearly understand that they are not a statutory body which must comply with statutory regulation requirements and that their role also does not include program funding decisions or recommendations. An overwhelming amount of time is spent by staff with individual Board members who confuse the role and function of the AOD Board with that of other statutory bodies in the county. The latter can be best accomplished through an orientation by AOD staff and by BOS staff during the recruitment and interview process.





### Structure

The mission of the AODAB is to assess and advocate for family and community needs regarding prevention and treatment for alcohol and other drug related problems; and to provide the resultant findings and recommendations to the Health Services Department and the Board of Supervisors. The AOD Board currently operates through four [4] committees: Executive, Public Policy, Youth and Family, and Community Awareness.

The proposed structure will preserve the mission of the Board, while streamlining the amount of staff dedicated resources by reducing the number of committees from 4 to 3, redistributing functions and reducing meeting frequency. Specifically we propose:

- 1) Elimination of the Public Policy and Youth and Family committees. Public policy becomes a function of all committees.
- 2) Maintain **Executive Committee** which is responsible for providing leadership and direction to the Board and ensuring that committees follow the mission and remain consistent to the established Board goals and objectives. The Executive committee shall meet three [3] weeks before the monthly Board meeting. The Executive Committee shall, 1) construct the meeting agenda, and 2) consider any issues previously delegated during Board meetings or as requested by individual board members or members of the public. Though any committee or members may recommend policy and legislation, the Executive Committee will take the lead in promoting understanding and discussion of AOD relevant policy and legislation. All legislative items are brought to the Executive Committee for approval. See **Attachment 1**
- 3) Create an **AOD Program & Services Committee**- to review and understand treatment and prevention modalities by all life cycle populations in the AOD system of care identify gaps and make recommendations. Standing meetings are every other month, unless projects and activities require more frequency of meetings.
- 4) Maintain **Community Awareness**- to continue education regarding AOD relevant information and emerging issues impacting the community. The committee shall maintain People Who Make a Difference Awards and is responsible for the coordination and assignment of Annual Resolutions to the BOS [4 campaigns] during the year. Standing meetings are every other month, except during the People Who Make a Difference Awards.



### **Governance & Staff Support**

It is recommended that the Board maintains monthly meetings in order to keep its visibility and on-going advisory role as a body of expertise in AOD relevant related issues. All meetings are open to Board members and the public in consistency with the provisions of the Brown Act and better government ordinance laws. The Board will continue utilizing Robert's Rules of Order procedures to ensure a fair, efficient and equitable framework for decision making across the organization. The Executive Committee will also meet on a monthly basis to ensure direction on committee projects, events and preparation of Board agendas and packets. Conversely, Committees will alternate meetings 6 months during the year. Unless required by membership or the actual project, staff will not attend committee meetings. The committee is responsible for note-taking and submission of notes to county staff. County staff will continue to take Board meetings minutes, as well as support the distribution of all committee agendas and meeting packets. Only Board meeting agendas and minutes will be posted online with accompanying handouts on HSD's webpage. These minutes will depict summaries of agenda items, discussions and any group positions taken by each member. County staff will continue to maintain the files of the Board and the overall support to the Board will consist of .15FTE prevention coordinator, .20FTE Clerk, and .5FTE Chief

### **Agenda Packet Schedule**

Every January, staff will develop and distribute a schedule of submission of agendas with back up materials. The Chair of the AOD Board is responsible for the Executive Committee and of submitting materials on the dates stipulated by county staff, to ensure ample time for the preparation, distribution and posting of agendas and back up material.

**ACCEPT** the Report and recommendations therein;

**DIRECT** county AOD staff to implement recommendations by working in conjunction to the AOD Board officers to amend Bylaws to reflect staff recommendations

### **Fiscal Impact**

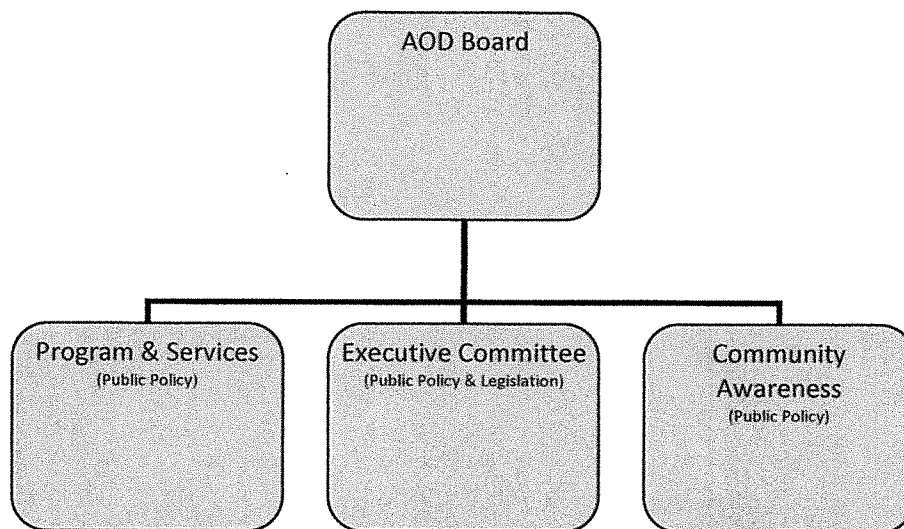
No Fiscal Impact



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• Contra Costa Homeless Services

**NEW PROPOSED STRUCTURE- ALCOHOL AND OTHER DRUG ADVISORY BOARD ( Appendix 1).**



**AOD Program Service Modalities/Population Matrix**

MODALITIES/POPULATIONS	Prevention	Treatment	Recovery
Children			
Families			
Youth			
Women			
TAY			
Adults			
Older Adults			

**Meeting Frequency**

GROUP	MONTHLY	BY-MONTHLY	ALTERNATE SCHEDULE
AOD Board	X		
Executive Committee	X		
AOD Program & Services		X	X
Community Awareness		X	X







June 26, 2015

Dorothy Sansoe  
Sr. County Administrator  
Office of the County Administrator  
651 Pine Street, 9<sup>th</sup> Floor  
Martinez, Ca. 94553

Camilla Rand, M.S.  
Director



Dear Ms. Sansoe:

Please accept this report in response to your e-mail dated April 27, 2015 that outlines the Internal Committee review of the Economic Opportunity Council and the following directive:

***The Committee would like to see more structure established around the Economic Opportunity Council and how its monies are spent, e.g., employee salary costs vs. outside programming. Supervisor Mitchoff understood that 90% of the grant funding received by the EOC was being expended on County staff costs and 10% on programs, which she felt was inappropriate. This matter was referred to the CAO for review by the Senior Deputy overseeing the Employment and Human Services Department.***

**Issue One:**

***The Committee would like to see more structure established around the Economic Opportunity Council and how its monies are spent, e.g., employee salary costs vs. outside programming.***

**Structure of the EOC:** Community Services has an existing established structure defining the role of the Economic Opportunity Council (EOC) as the Advisory Body to the Community Services Bureau (CSB) and the Board of Supervisors with regards to the Community Services Block Grant funds (CSBG). The EOC Bylaws (**attachment one**); the Contra Costa County Advisory Handbook and the guidance from Information Memorandum #82 Tripartite Boards, dated June 12, 2012 (**attachment two**) clearly outline the role of the EOC as the Advisory Body of a public agency.

**Structure and Allowable Costs of the CSBG Budget:** Community Services Block Grant funding is unique in that, unlike CSB's other funding sources, the 12% administrative cap is based on 12% of the entire agency's budget. In the case of Community Services with a budget of \$62 million, 12% administrative costs charged to CSBG could total \$7.4 million. Instead, the total administrative costs charged to the CSBG budget totals only .04% of CSB's total budget.



The budget is developed with input from the EOC and is guided by two documents: the contractual agreement with the Department of Community Services; and Information Memorandum No. 37. Page 21, Part II, Subpart B of CSB's contract with the Department of Community Services and Development clearly outlines allowable administrative costs as described above (**attachment three**). CSBG Information Memorandum No. 37, *Definition and Allowability of Direct and Administrative Cost Block Appropriation and Allocations* further explains such allowable costs. The explanations are specifically outlined in the *Background* and *Allowability of CSBG Expenditures on Coordinating and Strengthening Activities* sections of the Memorandum (see highlighted sections, **attachment four**).

**Issue Two:**

***Supervisor Mitchoff understood that 90% of the grant funding received by the EOC was being expended on County staff costs and 10% on programs, which she felt was inappropriate.***

**2015 Budget:** This understanding is not consistent with the 2015 budget (**attachment five**). Of the total \$797,709 CSBG budget, \$195,000 goes directly to nine subcontractors chosen by the EOC through an RFI process (**attachment six**); \$255,748 under program costs funds the salaries and benefits of the Trainees in the Clerical Assistant Trainee program (**attachment seven**); and the remainder of the budget, \$346,961, goes to costs associated with operating the program and fall within program and administrative costs. For example, the \$94,000 in indirect costs is CSBG's portion of \$2.4 million Bureau-wide indirect costs which are the costs associated with being a Bureau in the second largest county department. Even so, less than two full-time equivalent staff is funded through CSBG funds to operate this program.

Further, the attached budget also illustrates a 2014 and 2015 comparison which shows an administrative reduction of 24% in 2015. This reduction was a result of concerns raised by EOC members this past December which led to a joint endeavor to develop the 2015 budget.

Community Services' CSBG grant and the activities associated with it remain in good standing with the State Department of Community Services and Development. Community Services' most recent Desk Review conducted by the Department of Community Services and Development in May 2014 resulted in no findings or areas of concern (**attachment eight**).

I am confident that Community Services' CSBG budget is not only aligned with regulations and allowable costs, but is also congruent with other Community Action programs throughout California. Attachment nine shows the breakdown of administrative costs of 60 CSBG funded agencies in 2013. The State-wide average of administrative costs totaled 30%, and in some cases was as high as 100% of an agency's CSBG budget (**attachment nine**).

Staff has worked diligently at helping the EOC best understand its role as an advisory body within a public agency through on-going trainings, meetings and the development of tools. In addition, staff has introduced study sessions for those EOC members who wish to delve more deeply into matters set before them for approval and/or review including a recent Community Action Plan and Budget study session held this month. Staff continue to revisit reports that are presented to the EOC and are in the process of developing graphics to illustrate the program and budget in varying ways (**samples, attachment ten**). We will also hold budget sessions throughout August, September and October to ensure a collaborative approach to the 2016 funding allocation planning.

We continue our commitment to work closely with this Council and the Board in a transparent way so we can continue to best meet the needs of this county's neediest families and individuals. Should you need additional information or clarification, please feel free to contact me at (925) 681-6301.

Thank you



Camilla Rand  
Director, Community Services Bureau  
Employment and Human Services Department

CC: Kathy Gallagher, EHSD Director

Attachments



### **September 2015 Update**

Since this report was written, there have been new developments with regards to the Community Services Block Grant. In May of this year, the question was raised by EOC members and subsequently CSB staff members as to the firm definition of what constitutes a Community Action Program as stated in the Government Code 1278. This question was referred to the State Department of Community Services for a formal response by CSB staff and Supervisor Mitchoff's office.

On September 4, 2015, Lindy Lavender of Supervisor Mitchoff's office informed CSB staff that she had heard from the state that a decision in this matter may be forthcoming soon. CSB staff followed up with a request for clarification immediately and a conference call was subsequently scheduled for September 14. In this conference call, the State staff indicated that there may be a change to contractual language for the FY2016 contracts that may re-define the Community Action Program as those programs directly supported by the Community Service Block Grant (CSBG funds) for which the EOC has fiduciary oversight, and are not inclusive of other programs that have their roots in Community Action, such as Head Start. CSB questioned the fact that various Community Action documents dating back to 1964 define Head Start as a Community Action program. The state indicated they would need to gather further clarification and would get back to us.

Meanwhile, with this pending information, CSB staff has mobilized the EOC Fiscal Subcommittee to build the 2016 budget. Further, the EOC and CSB staff have been working diligently to address the work at hand and had an excellent training by Enid Mendoza, Deputy County Administrator, on August 18 that addressed the roles and responsibilities of advisory bodies, staff, and the Board of Supervisors. Armed with this information, the EOC and CSB staff has launched a new subcommittee structure that will be getting the bulk of the work done and reported to the whole body for approval. These subcommittees are Executive, Fiscal, Outreach, Governance and Program Services. Each committee is led by a committed member of the EOC and staffed appropriately. Deliverables currently underway are a 2016 CSBG Strategic Plan, budget planning, By-laws revisions, new member interviews, and planning for the upcoming subcontractor RFIs.

CSB's CSBG grant also received a Desk Review the week of May 18-22, 2015 by the Department of Community Services in the areas of Board Governance, Fiscal Review, and Program Review. On July 13, 2015, CSB received the report that stated there were no findings and highlighted the success of the CAT (Clerical Assistant Trainee Program) as a best practice.

**Attachments:**

Attachment One	Economic Opportunity Council Bylaws
Attachment Two	Information Memorandum No. 82, <i>Tripartite Boards</i> (see highlights)
Attachment Three	CSBG Contract, highlighted section: Page 21, Part II, Subpart B – Financial Requirements
Attachment Four	Information Memorandum No. 37, <i>Definition and Allowability of Direct and Administrative Cost Block Appropriation and Allocations</i> (see highlights)
Attachment Five	Community Services' 2015 CSBG Budget with 2014 comparisons and full-time equivalent staff associated with the budget
Attachment Six	2015 CSBG Subcontractors
Attachment Seven	Clerical Assistant Trainee Program Description
Attachment Eight	CSB 2014 CSBG Desk Review
Attachment Nine	Expenditure Report of 2013 CSBG funded agencies (Data taken from California Department of Community Services and Development website ( <a href="http://csd.ca.gov/2013CSBGInformationSystemSurvey">csd.ca.gov/2013CSBGInformationSystemSurvey</a> ))
Attachment Ten	Sample Budget Reports

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CONTRA COSTA COUNTY  
ECONOMIC OPPORTUNITY COUNCIL BYLAWS

**I. Name**

The name of this Organization is the Economic Opportunity Council (EOC) of Contra Costa County.

**II. Authority**

The Economic Opportunity Council of Contra Costa County is organized under the Economic Opportunity Act of 1964, as amended, and the Community Services Administration Act of 1974, as amended, the Community Services Block Grant Act of 1981, as amended and the Coats Human Services Reauthorization Act of 1998, as amended. It is a duly constituted Community Action Advisory Board and the Advisory Board to the Community Services Bureau Employment and Human Services Department of Contra Costa County.

**III. Officers**

The officers of the EOC shall be the Chairperson, Vice-Chairperson and Secretary. Officers shall be elected annually at the September meeting.

**A. Chairperson**

The Chairperson shall preside at all EOC meetings. He or she has the authority to call special meetings and appoint chairperson ad-hoc committees. The Chairperson shall enforce the observance of order and decorum among the members. Meetings shall be conducted in accordance with all applicable federal, state, and local laws.

**B. Vice-Chairperson**

The Vice-Chairperson shall assist the Chairperson and assume all the obligations and authority if the Chairperson is absent.

**C. Secretary**

The Secretary shall declare whether a quorum exists at the beginning of each meeting. The Secretary shall monitor attendance. He or she shall read any correspondence at EOC meetings. He or she shall check for any corrections or clarification on previous month's minutes, and seek approval of minutes. The Secretary shall also help prepare minutes of the meeting and ensure that the meeting is recorded. Staff assistance shall be provided.

**D. Election of Officers**

The officers shall be elected annually at the September EOC meeting. Nominations for the officers shall be made by the general membership. Should any elective office become vacant, the Chairperson shall appoint a member to fill the vacancy for the remainder of the unexpired term and the EOC shall approve the appointment.

**E. Roles and Responsibility of the Executive Committee**

Executive officers shall attend all EOC and Executive Committee meetings. They shall plan the general meetings, review the previous month's minutes and set the agenda. The Executive Committee may conduct emergency meetings if the majority of the members cannot meet. A quorum of 51% of current Executive Committee members, excluding vacancies, will be required to make a program recommendation on behalf of the general membership. In this case, all Executive Committee decisions must be ratified by the full body of the EOC at the next regularly scheduled meeting.

CONTRA COSTA COUNTY  
ECONOMIC OPPORTUNITY COUNCIL BYLAWS

#### **IV. Scope of Responsibilities**

As set forth in the Economic Opportunity Act of 1964, as amended, the Community Services Block Grant Act of 1981 and the Coats Human Services Reauthorization Act of 1998, as amended, and by the actions of the Contra Costa County Board of Supervisors, the responsibilities of the EOC are:

- A. To make recommendations to Board of Supervisors (BOS) for EOC membership.
- B. To hold public hearings as scheduled to make recommendations to the BOS for the Community Action Plan of CSB.
- C. To participate in subcontractor RFP/RFI process as directed by program guidance.
- D. To conduct at least one (1) site monitoring to the subcontractors.
- E. To submit an Annual Report to the Board on its activities accomplishments, membership attendance, required training/certification, proposed work plan or objectives.
- F. To review fiscal and programmatic reports submitted by staff and the performance of Community Services Block Grant contractors and the Weatherization program services.
- G. To receive and review budget, minutes, and other reports or materials prepared by staff every month.

#### **V. Membership**

**A. The EOC shall consist of fifteen (15) members, divided equally among three sections, as follows:**

**1. Public Sector**

The five Public Sector members of the EOC shall include the five members of the Contra Costa County Board of Supervisors. Each Supervisor may appoint a delegate to serve and vote in his or her place. Delegate appointments must be approved by the Board of Supervisors

**2. Low-Income Sector**

a) The five Low Income Sector members shall include representatives of the low income population and may be from community based organizations, Community Services Bureau clients, and the general public.

b) To be eligible for appointment, a person must (a) reside in Contra Costa County (b) reside in a low-income community or (c) represent low-income residents.

c) All persons seeking appointment must submit an application to the Clerk of the Board and a petition signed by no fewer than ten (10) members of the public residing in a low income community of Contra Costa County to EOC staff.

d) The EOC may recommend for appointment one alternate Low Income Sector member, who shall serve and vote in place of an Low Income Sector member who is absent from, or who disqualifies himself or herself from participating in, a meeting of the EOC.

e) Alternates must meet the same requirements as a regular Low Income Sector member.

f) All appointments must be approved by the Board of Supervisors.

**3. Private/Non-Profit Sector**

CONTRA COSTA COUNTY  
ECONOMIC OPPORTUNITY COUNCIL BYLAWS

- a) The five Private/Non-Profit Sector members shall include representatives from private sector, non-profit organizations and public services agencies within Contra Costa County.
- b) All persons seeking appointment must submit an application to the Clerk of the Board.
- c) The EOC may recommend for appointment one alternate Private/Non-Profit Sector member, who shall serve and vote in place of a Private/Non-Profit Sector member who is absent from, or who disqualifies himself or herself from participating in, a meeting of the EOC.
- d) Alternates must meet the same requirements as a regular Private/Non-Profit Sector member.
- e) All appointments must be approved by the Board of Supervisors.

**B. Seat Terms**

- 1. The term of office for Low-Income and Private/Non-Profit Sector members of the EOC shall be for four (4) years. No Low-Income or Private/Non-Profit Sector may serve more than three (3) consecutive full terms. Low Income Sector and Private/Non-Profit Sector members may seek reappointment to another term by submitting applications for review to the Clerk of the Board within a minimum of sixty (60) days prior to the end of their term. Members who fail to submit a completed application within the specified time period must reapply as a new applicant.
- 2. Public Sector members shall serve terms that are equal in duration to their term as a member of the Board of Supervisors or until withdrawn from delegation by the supervisor. Delegates serve four (4) year terms for the duration of the Board member term of office or until withdrawn by the supervisor.
- 3. **Unscheduled Vacancies:** Terms of the EOC shall begin on July 1<sup>st</sup> and end on June 30<sup>th</sup>. Should any seat become vacant during its term, the person appointed to fill that position shall serve for the unexpired portion of that term.

**VI. Standards of Conduct**

**A. Conflict of Interest**

All members, alternates and designated staff shall disclose potential conflicts of interest by filing an annual Statement of Economic Interest (FORM 700) and all other necessary and required documents.

**VII. Terminations**

Any member of the board may be terminated from membership on the EOC by one of the following actions:

- 1. Members who obtain three (3) unexcused absences (unexcused absence is defined as: a member who is not in attendance and did not notify EOC staff or any EOC members) in a fiscal year will (a) receive an excessive absentee letter and (b) may be recommended for termination to the Board of Supervisors by majority vote.



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2. Members who have been called out of order and removed from a meeting for misconduct will be considered absent without excuse from the meeting from which they have been removed. A member may be terminated by majority vote at any regular meeting for reasons of misconduct.

## **VIII. Membership Vacancies**

### **A. Scheduled Vacancy**

A scheduled vacancy occurs when a member seat term expires. A scheduled vacancy can be filled after an open recruitment process and upon approval by the Board of Supervisors.

### **B. Unscheduled Vacancy**

An unscheduled vacancy occurs when a member leaves his or her member seat prior to the end of the seat term. Staff will notify the Board of Supervisors, of any unscheduled vacancies. The Clerk of the Board will post the vacancy for at least ten business days prior to being filled by the Board of Supervisors.

### **C. Filling a Vacancy**

All interested applicants whether for new terms or for renewal, must submit timely applications for review to the Contra Costa County Clerk of the Board. Staff to the EOC will assist with recruitment to fill any vacancies that occur on the EOC. Staff will provide all applications that are submitted to the EOC for review.

## **IX. Administration and Staff**

CSB staff will provide technical and administrative program management and support to the EOC. Staff will ensure compliance with all local, state and federal requirements.

## **X. Rules**

The EOC may adopt such rules and procedures as are necessary to conduct its business. The EOC shall be governed in its activities by all applicable laws, regulations and instructions.

## **XI. Meeting and Meeting Notices**

Meeting notices shall comply with the Brown Act, the County's Better Government Ordinance, and all applicable local and state meetings laws.

### **A. Regular Meetings**

The regular meetings of the EOC shall be held monthly at a time and location convenient for the members and the general public. Each year, the EOC will set its regular meeting schedule for that year. The Chair, in consultation with the Executive Committee, may cancel a meeting if there is no business to warrant a meeting.

### **B. Special Meetings**

A special meeting may be called at any time by the Chairperson or by a majority of the members of the EOC in accordance with the Ralph M. Brown Act (public meeting law) and County Better Governance Ordinance.

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**C. Quorum**

A quorum is 51% of the total number of authorized seats on the body, not the majority of the total number of filled seats.

**D. Voting**

Voting on resolutions and all other matters shall be by show-of-hand, unless a roll-call vote is requested by any member or unless the hand vote is unclear. When any type of vote is held, the ayes, nays, and abstentions shall be entered onto the minutes of the meeting. Proxy voting is not permitted.

**E. Agenda**

The agenda shall comply with the Ralph M. Brown Act and the County Better Government Ordinance and all applicable laws.

**F. Executive Committee**

The Executive Committee shall consist of the Chairperson, the Vice-Chairperson, and the Secretary.

**XII. Amendments**

**A. Amendments of ByLaws**

These bylaws may be amended by two-thirds (2/3) vote of the current membership of the EOC. All amendments must be approved by the Board of Supervisors.

**B. Notice of Amendment**

Notice of proposed bylaws amendments must be presented in writing at a regular meeting of the EOC for open discussion. The proposed amendments may be voted upon at the next regular meeting of the EOC. The agenda for the meeting at which the proposed amendment is to be voted upon shall contain an item entitled "Proposed ByLaws Amendment."

**C. Public Access to EOC Records**

The EOC shall make available to the public all records as required by the Ralph M. Brown Act, the County Better Government Ordinance, the Public Records Act, and other applicable laws.

**D. Dissolution**

Dissolution of the EOC shall be affected in accordance with applicable law.

# OFFICE OF COMMUNITY SERVICES

An Office of the Administration for Children & Families

Attachment Two

Listen

## CSBG IM #82 Tripartite Boards

Published: June 12, 2012

Audience: Community Services Block Grants (CSBG)

Category: Guidance, Policies, Procedures, Information Memorandums (IM)

Transmittal No. 82

Date: March 23, 2005

**TO:** State Community Services Block Grant Program Directors, Community Services Block Grant State Association Directors and Community Services Block Grant Eligible Entities

**SUBJECT:** Tripartite Boards

**PURPOSE:** This Information Memorandum addresses a number of policy questions that have arisen in recent years concerning the composition, role, and responsibilities of local community action agency tripartite boards. In addition, the Memorandum describes steps that may be taken by State CSBG lead agencies and State Community Action Associations to promote the continued viability and effectiveness of eligible entities through appropriately constituted and well-functioning tripartite boards.

*This Information Memorandum is not intended to be definitive or binding on State or local agencies, but to serve as a guide on key issues.*

**BACKGROUND:** Since 1968, local community action agencies have been required to have tripartite governing boards to gain and retain designation as eligible entities and to receive CSBG funding. Effective tripartite boards reflect and promote the unique anti-poverty leadership, action, and mobilization responsibilities assigned by law to community action agencies. Boards are responsible for assuring that agencies continue to assess and respond to the causes and conditions of poverty in their community, achieve anticipated family and community outcomes, and remain administratively and fiscally sound.

The nature of poverty and our nation's response to it continues to evolve. Many community action agencies are in the process of passing the baton to a new generation of leaders. This Information Memorandum restates and amplifies how tripartite boards help preserve community action focus, effectiveness, and accountability in these changing times.

### Questions and Responses

The following questions and OCS responses convey important information about the roles and responsibilities of tripartite boards as required by statute and suggestions on how State CSBG authorities, State community action associations, and local agency officials can help assure that boards function effectively.

#### **Question 1 - What does the law require?**

##### *Roles and Responsibilities of Tripartite Boards*

Sections 676B of the Community Services Block Grant Reauthorization Act of 1998 requires that, as a condition of designation, private nonprofit entities and public organizations administer their CSBG program through tripartite boards that "fully participate in the development, planning, implementation, and evaluation of the program to serve low-income communities."

##### *Board Composition*

###### **•Low-Income Individuals and Families**

For private nonprofit entities, a minimum of one-third of tripartite board membership must be democratically selected representatives of low-income individuals and families who reside in the geographic area being served by the agency.

For public organizations, such as city, county, or town governments, the law also requires that a minimum of one-third of tripartite board membership be comprised of representatives of low income individuals and families who reside in areas served. The statute allows public organizations to utilize State-specified mechanisms other than tripartite boards that "assure



decision-making and participation by low-income individuals in the development, planning, implementation, and evaluation of programs..."

OCS does not recommend including in this community representation category for either public or private agency boards individuals who provide services or supports to low-income residents but who are neither low-income or residents of the agency's service area. Such individuals may qualify for board membership as representatives of another board category -- "major groups or interests in the community."

#### • Elected Officials or Their Representatives

One-third must be elected officials, holding office at their time of selection, or their representatives. If a sufficient number of elected officials or their representatives are not available to serve, appointive public officials or their representatives may take the place of elected officials.

#### • Major Groups and Interests in the Community Served

The remaining board members must be chosen from "business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served."

#### **Question 2 - Who appoints members to a tripartite board?**

The law states that members of tripartite boards "shall be selected by the entity" in accord with the conditions described above. States must assure that local agencies comply with Federal statute and any applicable State statutes, and that the bylaws of tripartite boards reflect and advance statutory requirements.

#### **Question 3 - Are term limits permissible?**

The CSBG statute is silent on term limits. However, many CAAs find term limits helpful to keep boards revitalized and current. Community action agencies may impose such limits through their own bylaws if they wish.

To achieve the purposes intended by statute for each of the three components of agency boards, State and local agencies are encouraged to consider the following term limit considerations:

#### *Representatives of Low-Income Individuals and Families*

The statute requires that representatives of low-income individuals and families be "chosen in accordance with democratic selection procedures." The implicit intent of this requirement is to insure that those who *currently* live in areas served by the agency are represented so that they have a strong voice in agency governance and direction and are able to convey to those they represent the presence and significance of community action in their lives. And, because some programs within community action agencies, especially Head Start, also require governance involving families being served, overall agency coordination and communications across programs are further enhanced when a few (one or two) members of Head Start Policy Councils serve on agency tripartite boards. The Head Start regulations require that the Policy Council and the Board cannot have identical membership, so this must be observed.

Every effort should be made by eligible entities to assure that board members representing low-income individuals and families:

- Have been selected on the basis of some form of democratic procedure either directly through election, public forum, or, if not possible, through a similar democratic process such as election to a position of responsibility in another significant service or community organization such as a school PTA, a faith-based organization leadership group; or an advisory board/governing council to another low-income service provider;
- Are truly representative of *current* residents of the geographic area to be served, including racial and ethnic composition, as determined by periodic selection or reselection by the community. Being *current* should be based on the recent or annual demographics changes as documented in the needs/ community assessment. This does not preclude extended service of low-income community representatives on boards, but does suggest that continued board participation of longer term members be revalidated from and kept current through some form of democratic process and the assessment of community changes. Ultimately, it is the responsibility of the State to assure that agencies uphold both the letter and intent of the law governing appointment of low-income community representatives to tripartite boards. Particular attention should be paid to the two conditions described above.

#### *Elected Public Officials or their Representatives*

The overarching purposes for having elected officials serve on tripartite boards are to encourage awareness of poverty needs within the community and action by local governments, and to foster close coordination and partnership between public agencies and the eligible entities. State CSBG lead agencies, State community action associations, and local agency officials should ensure that the nature and number of public officials serving on each agency board supports and promotes these goals. The statute requires that elected public officials must be "holding office on the date of selection" to a tripartite board. The statute does not identify which public officials ought to serve on the tripartite board. The statute allows public officials (elected, or if necessary, appointed) to name someone to represent them on the board. Again, while the statute does not set term limits for this category of board membership, the spirit of the law, that local governments participate in agency oversight and governance, suggests that:

- Elected officials serve on boards in this capacity only while they are in office.

Similarly, individuals designated by elected or appointed officials to represent them on boards serve only while their principals are in office or are re-designated by those in office. Agencies are responsible for making sure that this category of board membership remains current through such procedures as prompt notification of newly elected or currently elected public officials of the opportunity for board service or representation, and timely replacement of board members (or their representatives) who no longer hold public office.

Local agencies that wish to extend the board service of either formerly elected officials or their representatives may choose to appoint them as representatives of "major groups and interests in the community."

#### Representatives of Major Groups and Interests in the Community

While the statute does not set term limits for these board members, their role is to reflect and involve key interests and resources within the community to guide agency actions and outcomes. For this category, agencies should strive to assure that:

- Groups and interests with current influence or resources deemed critical to the success of the agency are represented.
- Members are empowered by their organizations to participate in board activities and play a role in agency outcomes.

#### Question 4 - What does "fully participate in the development, planning, implementation, and evaluation of the program" mean?

Tripartite boards are responsible for oversight and governance of community action agencies:

##### Development

As the designated anti-poverty-agencies within their community, both public and private eligible entities are required to conduct periodic needs assessments of the causes and conditions of poverty within their service area and to decide what role, or mission, the agency will assume relative to other community organizations and resources, in addressing those needs.

Tripartite boards are key players in the developmental processes described above:

- **Needs Assessment** – Board members, especially those that live in communities to be served and that represent low-income people, ought to be a primary source of information and insight concerning the conditions in their neighborhoods. Representatives of low-income families can help fashion agency outreach and communication strategies, on an ongoing basis, to assure that agency staff and programs are responsive to changing community needs and conditions. Board members that represent elected officials, and other community groups and interests, all bring critical information and perspective to the needs assessment process. Elected officials or their representatives can commission or make available government-sponsored studies of local economic, social, educational, and key conditions that affect poverty. Business, labor, religious, and other community group representatives offer similar information from the private sector and access to short-term and longer-range service and resource assessments and/or development plans that may impact the nature or extent of poverty in the community.
- **Clarifying Agency Mission** – The way each community action agency perceives its role, or mission, is central to what they do and how they assess their effectiveness. Tripartite boards, if correctly constituted, provide an agency with a broadly-based, in-house, panel of "experts" on most aspects of community need, resources, and opportunities. Their expertise should help inform agency leadership and staff concerning the role(s) community action should and could play to reduce poverty vis-a-vis other public and private programs and initiatives. Creating or reviewing mission statements can provide a focus for collaborative strategic planning among board members and agency leadership and staff, and a foundation for meaningful board oversight of agency operations and effectiveness.

##### Planning

Tripartite boards are important participants in agency annual and longer-range planning activities. Specifically, individual members of the board, and the board as a whole, ought to contribute to, and benefit from, various aspects of program planning:

- **Long-range Strategic Planning**- For those CSBG entities that are 501(c)(3) non-profit agencies, tripartite boards are ultimately responsible for the overall direction, conduct, and effectiveness of agency programs and activities. Public agency boards are "advisory" and are intended to guide public officials that manage their agencies, both elected and appointed, with information and advice on how to reduce poverty within the geographic area being served. As such, participation of boards is essential in strategic planning discussions of how the mission of the agency is to be accomplished through its programs and activities, and how the agency will determine what constitutes its "success." Tripartite boards should be encouraged to help the agency: a) identify broad goals and results it hopes to achieve through its work among low-income individuals and families, and within the community being served; b) mobilize and array programs and activities, both within and outside the agency, to achieve those goals and results; and c) establish and maintain procedures for gathering and presenting information on goals and results for agency and board use.
- **Annual Planning** - Tripartite boards of both public and private entities should participate in the identification of what the agency hopes to accomplish each year and to help the agency establish specific performance expectations, in terms of both the nature and number of improvements to be achieved among low-income people and within the community, to guide agency programs and activities. Milestones, or intermediate steps toward achieving the ultimate

results, ought to be identified by agency staff so that board members will be able to track progress throughout the year. In addition, boards are encouraged to identify possible ways to strengthen agency operations, including needed staff or facility enhancements, and to identify specific results it expects to be achieved. Boards may choose to utilize annual agency performance expectations, or anticipated program results, as important components of annual performance plans and compensation agreements they negotiate with the agency's executive director and other key staff.

### Implementation

Because members of tripartite boards have "fiduciary" responsibility for the overall operation of private, non-profit community action agencies and statutorily described "advisory" responsibilities in public agencies, members are expected to carry out their duties as any "reasonably prudent person" would do. At a minimum, CAPLAW suggests that this would require:

1. Regular attendance at board and committee meetings;
2. Thorough familiarity with core agency information, such as the agency's bylaws, articles of incorporation, sources of funding, agency goals and programs, Federal and State CSBG statutes;
3. Careful review of materials provided to board members;
4. Decision-making based on sufficient information;
5. Ensuring that proper fiscal systems and controls, as well as a legal compliance system, are in place; and
6. Knowledge of all major actions taken by the agency.

Two aspects of the requirements described by CAPLAW above warrant further discussion –board oversight of agency programs and board oversight of fiscal controls:

- **Agency Program Implementation** - Boards are encouraged to stay informed of agency programs and activities throughout the year, and to receive periodic reports from agency staff that focus on progress toward achieving milestones and ultimate results among clients and communities being served. Timely board awareness of program implementation progress allows for possible reassessment of performance expectations or program realignments should the need arise.

Board members are also encouraged to help the agency establish and maintain working relationships, or partnerships, with other public and private agencies and programs in the community that can help achieve community action results. For example:

1. Members that are either elected officials or that represent elected officials may identify public resources and programs that could contribute to client or community outcomes and facilitate communication and coordination between the community action agency and the public program;
2. Members that represent critical community interests, such as commercial or financial institutions, may help identify possible sources of support for the agency's low-income clients, including employment opportunities, asset formation assistance, or access to other financial services;
3. All members of the tripartite board may be enlisted in an agency's advocacy efforts to increase or preserve needed services and programs in the community that support greater self-sufficiency among low-income families.

- **Fiscal Controls** - Because tripartite boards of private, non-profit agencies are ultimately responsible for assuring that agency funds are spent and accounted for in accord with all applicable Federal, State, and local statutes and regulations, boards must make sure that fiscal controls and procedures are put in place and maintained by the agency that provide for:

1. Trained and qualified staff to manage fiscal accounts and records of the agency on a day-to-day basis;
2. Commonly accepted financial procedures for transactions, recordkeeping, and reporting such as those required by the CSBG Act, Part 74 of the Code of Federal Regulations, and OMB Circular 133;
3. Frequent reports to the board by agency fiscal staff on overall agency fiscal status, procedures, practices, and transactions;
4. Required board review and prior approval of all "substantial" agency fiscal transactions or commitments, as defined by statute or agency bylaws; and
5. Audits and audit reports to the board by a CPA firm independent of board member or agency staff association.

### Evaluation

As indicated, tripartite boards of both public and private agencies are encouraged to focus their attention on results in all phases of agency program activity, including program development, planning, implementation, and especially evaluation. Boards should request, and be provided with, information



concerning actual changes or improvements that have occurred among clients and community as a result of agency assistance. To determine the relative "success" of the agency, its staff and programs, boards may compare the nature and level of these outcomes with performance expectations, or targets, which were developed during the agency's planning cycle.

Outcome or performance-focused information from one year can inform and strengthen program planning by the agency and its board in subsequent years.

#### **Question 5 - What kind of training should board members receive?**

Board members need to be trained to carry out both the legal, or fiduciary, aspects of their service and their leadership responsibilities to help guide the agency toward "success."

At a minimum, it is recommended that board training cover the following topics:

##### **• Fiduciary Responsibilities**

1. Orientation to statutory and regulatory requirements (CSBG Act, other Federal, State or local statutes and regulations, including non-profit board requirements;
2. Agency articles of incorporation, bylaws, etc.
3. Overview of Board functioning - appointment, representation, meetings, committees, conflict of interest policy, relationship to executive director and staff, etc.
4. Role and Responsibilities of the Executive Director
5. Role and Responsibilities of the Board regarding the employment, retention, and compensation of the Executive Director and key agency staff
6. Overview of agency administration and financial management policies and procedures - oversight role and responsibilities of the board
7. Orientation to, and how to oversee, agency mission, long-range and annual plans
8. Orientation to, and how to oversee, agency programs and services
9. Orientation to, and how to oversee, agency evaluation and reporting policies and procedures - role of the board in program and personnel performance evaluation.

##### **• Agency Leadership - Board Roles and Responsibilities**

##### **Results Oriented Management**

1. Agency Development -
  - o Needs Assessment-
  - o Agency Mission determination -
2. Agency Planning
  - o Strategic Long-Range Planning
  - o Annual Planning - performance expectations and targets
  - o Forming Partnerships with other resources in the community
3. Program Implementation -
  - o Tracking of Milestones, interim performance results and reports
  - o Making mid-course corrections to improve performance

##### **Results Oriented Accountability**

4. Evaluation - (Results Oriented Accountability)
  - o Result-Focused Evaluation - clients and community
  - o Results-Focused Evaluation - agency and staff
  - o Using Information for Planning
  - o Using Information for Additional Funding and Advocacy

Note: In rural areas or where transportation is challenging, teleconference calls and other technological devices have assisted board communication.

**Question 6 - What constitutes "conflicts of loyalty or interest" among board members and how best should they be avoided.**

Individuals serve on tripartite boards first and foremost to advance the interests of the agency, its clients, and the community. They do not serve to advance their own interests and have a "duty of loyalty" to the agency. But, the very nature of the tripartite board, which calls for the representation of, and expected outreach to, various sectors of the community, creates possible situations in which distinctions of "loyalty" or "interest" need to be kept very clear and unambiguous.

To safeguard against situations in which the loyalty, interest, or intent, of board member action may be questionable, the following minimum conflict of interest practices are recommended:

- Have a clear, written policy

Each agency should have a clear, written policy concerning conflicts of loyalty or interest among board members and agency staff that describes in detail:

1. Full disclosure of financial interest requirements for all board members and staff;
2. Conditions and procedural requirements for board member and/or staff withdrawal from any action for which a real or potential conflict of interest might exist;
3. "Transparency" and full record keeping of all board or agency financial decisions or actions and the parties involved in the decisions or actions;
4. Policies and procedures for selective (i.e. meet a certain threshold of expenditure or financial commitment) "independent" prior review of actions or decisions that may pose potential conflict of interest issues.

- Avoid situations that advantage board member interests or the appearance of advantage

As indicated, the very nature of tripartite representation on boards creates potential conflict of loyalty or interest situations in which board members help the agency establish linkages with public and private community resources and services. Often, this outreach may result in financial arrangements or contracts involving expenditure of agency funds. In addition, board members have "inside" knowledge of agency activities and operations, including current and future employment opportunities within the agency. To avoid situations in which a conflict of interest or loyalty would occur, or the appearance of such a conflict, the following is recommended:

1. Competitive bidding procedures should be used for large financial transaction situations in which a board member or agency staff member has an interest in, or relationship to, one or more providers of the needed goods or services. If such a potential is unclear, the agency and its board should refer the issue to a pre-identified "independent" conflict of interest consultant or group for a determination. For smaller transactions that may involve board or staff member interests, a process involving collection of comparable quotes, prices, or salaries may suffice.
2. If, after a competitive process, a provider with ties to a board member(s) or staff is selected to enter into a financial arrangement with the agency, the affected board member(s) and staff must disassociate themselves from participating in any decisions regarding the conduct of the financial relationship. Neither board member(s) nor staff may benefit personally, in any way, from the financial relationship between the agency and the provider with which they have a connection.
3. Board membership should not be used as a "stepping stone" to agency employment. Board members should not seek or receive employment from the agency in any part- time or full time capacity during their service on the board. Board members wishing to be considered for employment ought to resign their position and wait a reasonable period of time before applying for a paid position within the agency. This waiting period is recommended to avoid both the actuality and appearance of undue advantage board membership affords in the hiring of agency management and staff.
4. Board members and their families should not enjoy any financial gain from their position, including receipt of salary, goods or special services for their board participation. Board members may be reimbursed for expenses associated with board service, such as incidental costs of supplies, or mileage, per diem, and lodging expenses incurred while attending out of town conferences or training approved by the entire board.
5. Agencies and boards should err on the side of caution in all matters that might create or appear to be a conflict of interest. They should use the proverbial "smell test" in all potentially questionable conflict of interest situations and call upon independent, outside counsel, both legal and ethical, to screen plans before action.

It should be noted that board members, especially those that represent low-income individuals or families, are not excluded from being clients of the agency and receiving program services for which they are eligible. These board members should not receive preferential treatment in the nature or timing of such services.

Question 7- What is the best relationship between a tripartite board and the agency executive director?

The best relationship between a tripartite board and the agency executive director is one that advances the work of the agency in achieving results, or improvements, in the lives of low-income people and the community in which they live.

That said, there are organizational and functional issues that have prompted this question from a number of locations around the country over the past few years. While situations vary from agency to agency, and community to community, the following general principles are offered to promote strong, focused, and effective working relationships between tripartite boards and agency executive directors:

- Boards Establish Policy, Executive Directors Execute Policy

Tripartite boards are responsible for establishing and approving policies that govern all aspects of agency operations, including agency and board bylaws, administrative and fiscal control policies, and personnel policies. Executive directors are responsible to assuring that the board established policies are carried out by the agency, and for providing information to the board on the execution of its policies as requested by the board. In many agencies, boards

work with the executive director and agency staff collaboratively to develop agency policies and procedures, but the ultimate responsibility for promulgating such policies remains with the board.

- **Boards Set Agency Mission, Executive Directors Accomplish Agency Mission**

Boards are responsible for determining the overall mission, or direction, of the agency taking into account the needs of the community and the relative anti-poverty role played by the agency vis-à-vis other programs and resources in the community. Executive directors are responsible for providing the necessary information and assistance to the board that will help them determine the overall mission or direction of the agency, and for organizing the agency's programs and services in such a way that will best accomplish the mission. Again, in many communities, boards and executive directors (and agency staff) work collaboratively to both set the agency's mission and organize programs and services toward that end.

- **Boards Set Performance Targets, Executive Directors Guide Work to Achieve Targets**

Ideally, tripartite boards will officially approve annual performance targets, or outcomes they expect the agency to achieve among low-income families and the community. In most cases, these performance targets will be in the form of recommendations from the agency's executive director developed ideally in concert with the board, agency staff, and key community partners. How the agency organizes and operates services and programs to achieve these board-approved performance targets is the responsibility of the executive director and the staff of the agency. Boards, therefore, should not routinely be involved in the day-to-day manner in which services are provided, but should pay particular attention to following the consequences, or results of agency programs as they unfold and are reported throughout the year.

- **Boards and Executive Directors Evaluate Agency Performance, Both are Accountable**

Based on reports of results generated by the agency, boards are ultimately responsible for deciding whether or not the agency and the executive director have been "successful" in accomplishing the mission of the agency. Boards are encouraged to focus on client and community results as a major factor in evaluating the work of the agency, its executive director, and staff. Indeed, such results may point to institutional needs, such as staff enhancement and training or program revisions, which may improve performance in subsequent years.

- **Boards Supervise Directly Only One Employee - the Executive Director**

One of the most important concepts conveyed by agencies that have well-functioning relationships between their tripartite board and executive director is, "Boards supervise directly only one employee - the Executive Director."

This concept embodies the notion that board and agency staff functions are indeed separate, but they are joined through the relationship between the board and the one person they must hold accountable for the work of everyone else -- the executive director. This clearly means the boards must hold the executive director responsible for the activities of the agency. The board should appraise the executive director's performance on an ongoing basis, but at a minimum, the board should have a complete appraisal annually. Adopting this concept of "one employee" enables boards to refrain from bypassing their agency's executive director to provide day-to-day instructions to agency staff (what many call "micromanaging"). But, it must be clear that the concept should not protect an executive director from gaining too much authority over all aspects of agency policy and operations by assuming roles and functions that clearly reside with the tripartite board.

The concept is not intended to diminish or distort the fiduciary responsibility of tripartite boards of private, non-profit agencies to oversee the overall functioning of their agency and the cumulative work of agency staff.

When a tripartite board is faced with the responsibility of recruiting and hiring a new executive director for their agency, members may set whatever criteria they deem appropriate. Boards are encouraged to seek out and employ a leader capable of:

1. Working cooperatively with the board to assure there is on-going consensus concerning the agency's antipoverty purpose, or mission, among board members, agency staff, and the broader community;
2. Mobilizing and coordinating programs and services both within and outside the agency toward accomplishing this mission;
3. Serving as a key community leader and advocate for the preservation and expansion of opportunities to assist low-income individuals and neighborhoods move out of poverty;
4. Achieving strong administration and fiscal control over agency resources; and
5. Employing performance-based management concepts embodied in Results Oriented Management and Accountability (ROMA) as the framework for relating to the board, and for all aspects of agency operations including program planning, resource allocation, service provision, program and staff evaluations.

**Question 8 - How can State CSBG agencies and State Community Action Associations advance the effectiveness of tripartite boards?**

At a minimum, OCS recommends that State CSBG agencies and State community action associations work together to assure that:

- **All board members receive timely and continuous training.**



OCS has funded the development of a number of board training curricula that are now available upon request and that contain many of the elements of effective training described in this Information Memorandum. For information on these training materials, please contact:

Barbara Mooney  
Training Director  
Community Action Association  
of Pennsylvania  
222 Pine Street  
Harrisburg, PA 17101  
Phone: (724) 852-2272  
E-Mail: [barbaramooney@allte1.net](mailto:barbaramooney@allte1.net)

Owen Heiserman  
Mid-Iowa Community Action Agency  
1001 S. 18th Street  
Marshalltown, Iowa 50158  
Phone: (641) 752-7162  
E-Mail: [owen@micaonline.org](mailto:owen@micaonline.org)

Elliot Pagliaccio  
Vice President  
The Rensselaerville Institute  
690 Saratoga Road, PMB 130  
Burnt Hills, NY 12027-9402  
Phone: (518) 399-0216  
E-Mail: [epagliaccio@Rinstitute.org](mailto:epagliaccio@Rinstitute.org)

Connie Greer  
Director, Office of Economic  
Opportunity  
Minnesota Depart. of Human Services  
444 Lafayette  
St. Paul, Minnesota 55144  
Phone: (651) 284-4470  
E-Mail: [connie.greer@state.mn.us](mailto:connie.greer@state.mn.us)

- Board representatives participate actively in statewide community action training and technical assistance meetings and conferences.

Board chairs or other members ought to be encouraged to participate in statewide community action meetings and conferences sponsored by both the State CSBG authority and the State CAA association. Such meetings will not only provide an opportunity for board members to contribute to discussions and training, but will also provide a means of conveying to all board members the status of community action in the State, information about the programs, services, and accomplishments of other agencies, and how their boards can continue to help improve the focus and outcomes in their own agencies.

- State CSBG monitoring or CAA association assessments focus on board functioning (both fiduciary and leadership responsibilities)

State CSBG officials should meet routinely with boards as part of their overall monitoring of local agencies to determine the extent to which the boards are aware of, and are carrying out, their responsibilities. Assessment should be made of agency compliance with statutory requirements for board composition and functioning. Similar assessments are encouraged in those States in which CAA associations have developed and are using agency self-assessment procedures in conjunction with State CSBG monitoring. State CSBG authorities and State community action associations are encouraged to provide technical assistance to agencies to help them achieve or maintain compliance with the law.

Please don't hesitate to contact me if you have questions concerning this Information Memorandum.

\_\_\_\_\_/s/\_\_\_\_\_  
Margaret J. Washnitzer, DSW  
Director of State Assistance  
Office of Community Services

STANDARD AGREEMENT  
PART II

Subpart B – Financial Requirements

ARTICLE 5 – PROGRAM BUDGET REQUIREMENTS AND PAYMENTS

5.1 Budget

- A. Concurrent with the submission of this Agreement, Contractor shall complete and submit the CSBG Fiscal Data forms [CSBG Contract Budget Summary (CSD 425.S), CSBG Budget Support - Personnel Costs (CSD 425.1.1), CSBG Budget Support - Non Personnel Costs (CSD 425.1.2), CSBG Budget Support - Other Agency Operating Funds (CSD 425.1.3), and Budget Narrative (CSD 425.1.4)] attached to this Agreement in Subpart H. Contractor must include an itemized list identifying all other funding sources and amounts that make up the total annual operating budget of the community action program(s). Notwithstanding any other provision of this paragraph, Contractor may submit the itemized list of other funding sources by either of the following methods: 1) completing the attached form (CSD 425.1.3), or 2) submitting an internal annual budget document displaying the funding sources and their anticipated revenues.
- B. Contractor shall submit the CSD 425.1.4 (CSBG Contract Budget Narrative) with a justification for each projected line item reported on the CSD 425.1.1 and CSD 425.1.2.
- C. Administrative Expenses
  1. For the purpose of administrative expenditures, Contractor shall use funds allocated under this Agreement in an amount not to exceed twelve percent (12%) of the total operating budget of its community action program(s), including other agency funds used to support CSBG. Contractor shall not use funds provided under this Agreement to cover administrative costs incurred in the Low-Income Home Energy Assistance Program (LIHEAP) in excess of the LIHEAP contractual limitations.
  2. For purposes of allocating indirect costs, contractors may use current negotiated indirect cost rates that have been approved by a cognizant federal agency. Contractor shall submit a copy of the letter of approval from the cognizant agency which includes date of approval and amount of rate.
- D. *Budget modifications requiring pre-approval.* In accordance with 22 CCR § 100715(a), no originally approved budget line item may be increased or decreased by more than ten percent (10%) without prior CSD approval. Any increase or decrease of more than ten percent (10%) to the originally approved budget line item will require a request for modification to the budget and shall be submitted to CSD on form CSD 425b, Justification for Contract Amendment/Modification.

ARTICLE 5 – PROGRAM BUDGET REQUIREMENTS AND PAYMENTS

# OFFICE OF COMMUNITY SERVICES

An Office of the Administration for Children & Families

Listen

## CSBG IM No. 37 Definition and Allowability of Direct and Administrative Cost Block Appropriation and Allocations

Published: May 31, 1997

Audience: Community Services Block Grants (CSBG)

Category: Guidance, Policies, Procedures, Information Memorandums (IM)

**To:** State Community Services Block Grant Directors, State Comptrollers, U.S. Territories, Native American Tribes and Tribal Organizations, Community Action Agencies, Community Development Corporations, and other non-profit organizations receiving Community Services Block Grant (CSBG) funds.

**Subject:** Definition and allowability of direct and administrative costs.

**Purpose:** This memorandum clarifies the definition and allowability of "direct" program and "administrative" costs under the Community Services Block Grant (CSBG) and new programmatic reporting requirements. The memo specifically addresses use of CSBG funds for planning, coordination, integration, strengthening, and expansion of public and private assistance related to the elimination of poverty.

**Related References:** Community Services Block Grant Act of 1998, 42 USC § 9901-9920 (1999); OMB Circular A-122; OMB Circular A-133; HHS Results Oriented Management and Accountability Guide (1999).

### Policy Summary:

1. For CSBG program reporting requirements, the HHS Office of Community Services (OCS) defines "direct" program and "administrative" costs in accordance with three criteria: (i) meeting Congressional intent for the program; (ii) achieving consistency with HHS audit and financial management standards; and (iii) ensuring a common basis for relating expenditures to the CSBG Results Oriented Management and Accountability System (ROMA).
  - a. "Direct" program costs can be specifically identified with delivery of a particular project, service, or activity undertaken by a grantee to achieve an outcome intended by the funding program. For CSBG, such direct costs derive from the funding objectives specified in the reauthorizing statute, and from the goals and outcome measures in the ROMA system required by that statute. Direct program costs are incurred for the service delivery and management components within a particular program or project. Therefore, direct program costs include expenditures on some activities with administrative qualities, including salaries and benefits of program staff and managers, equipment, training, conferences, travel, and contracts that expressly relate to the delivery of an individual program or service funded by a specific grant source.
  - b. "Administrative" costs, in the context of CSBG statutory reporting requirements, are equivalent to the familiar concepts of "indirect" costs or "overhead." As distinguished from program administration or management expenditures that qualify as direct program costs, administrative costs refer to central executive functions that do not directly support a specific project or service. Rather, administrative costs are incurred for common objectives that benefit multiple programs administered by the grantee organization, or the organization as a whole, and as such are not readily assignable to a particular program funding stream. Administrative costs relate to the general management of the grantee organization, such as strategic direction, Board development, Executive Director functions, accounting, budgeting, personnel, procurement, and legal services.
1. Under the CSBG reauthorization and national ROMA goals, eligible programmatic activities explicitly include efforts to coordinate and strengthen a range of local programs and services that combat poverty. These efforts often entail planning and management functions that facilitate integrated approaches among more categorical public, private, and non-profit entities within a community. They also provide additional resources to enhance or supplement the activities of programs that receive other Federal, State, local, and private funding. OCS considers such functions to constitute a core CSBG program purpose, significant and necessary to the grantee mission, pursuant to Congressional intent. Use of CSBG funds to augment and coordinate other programs is an allowable cost. Furthermore, although some of these functions have administrative qualities, related expenditures that can be specifically identified with a programmatic activity to coordinate



and strengthen other programs and services should be categorized as direct program costs, because they achieve an outcome intended by the Congress in the express language of the CSBG reauthorizing statute.

### Background

New reporting requirements in the CSBG reauthorization, and potential confusion with terminology used in OMB Circular A-122 and the cost accounting field, necessitate some clarification for grantees and auditors regarding (1) the definition of different cost categories in the CSBG program and (2) the character and allowability of CSBG expenditures to coordinate and link multiple anti-poverty programs.

The CSBG reauthorization requires that HHS report to Congress on use of CSBG funds by grantees, including a breakdown of expenditure by "direct" and "administrative" functions. 42 U.S.C. § 9917(b)(2)(B) (1999). The statute also requires that HHS define "direct" and "administrative" costs for those purposes. 42 U.S.C. § 9917(b)(3). In addition, OMB Circular A-122, Cost Principles for Non-Profit Organizations uses similar terms, with different meanings, in providing guidance on setting indirect cost rates and charging expenditures to grants. OMB Circ. A-122 Attach. A §§ B and C(3) (1998). OCS is promulgating this information memorandum to clarify the definitions of costs for programmatic reporting requirements under the CSBG statute; the memo does not modify the requirements of OMB Circular A-122 or how grantees define costs for the purposes of establishing indirect cost rates for the CSBG program.

CSBG funds may be used to undertake a very broad range of activities, including linking and strengthening other anti-poverty programs and services. For example, CSBG funds may support planning, coordination, and capacity-building to improve the effectiveness of other community programs and organizations. CSBG funds also may be used to enhance and supplement other federally-funded programs. 42 U.S.C. § 9901(2), 42 U.S.C. § 9908(b)(1)(C), 42 U.S.C. § 9908(b)(5). The relatively unusual flexibility to fund coordination and enhancement programs, which sometimes have managerial and administrative qualities, may generate questions regarding the character of those expenditures under the costing definitions. Therefore, OCS is providing guidance regarding what constitutes a direct or administrative cost in those circumstances. Furthermore, OCS is reaffirming that such expenditures are allowable costs under the CSBG statute.

### Definitions of CSBG Direct Program Costs and Administrative Costs

The CSBG reauthorization requires that HHS provide a programmatic report to Congress that includes use of CSBG funds by grantees by expenditures on "direct" and "administrative" functions. 42 U.S.C. § 9917(b)(2)(B) (1999). For the purpose of this programmatic report, OCS offers guidance on defining these terms to help ensure consistency among grantees in assigning costs to these categories –

Direct Program Costs for CSBG Reporting. Direct program costs can be identified with delivery of a particular project, service, or activity intended to achieve an objective of the grant award. For the CSBG award, those purposes and eligible activities are specified in the reauthorizing statute and reflected in the national ROMA performance measures. Direct program costs are incurred for the service delivery and management components within a particular program or project. Therefore, direct costs include expenditures on some activities with administrative qualities, including salaries and benefits of program staff and managers, equipment, training, conferences, travel, and contracts, as long as those expenses relate specifically to a particular program or activity, not to the general administration of the organization.

Administrative Costs for CSBG Reporting. In the context of CSBG statutory reporting requirements, administrative costs are equivalent to typical indirect costs or overhead. As distinguished from program administration or management expenditures that qualify as direct costs, administrative costs refer to central executive functions that do not directly support a specific project or service. Incurred for common objectives that benefit multiple programs administered by the grantee organization, or the organization as a whole, administrative costs are not readily assignable to a particular program funding stream. Rather, administrative costs relate to the general management of the grantee organization, such as strategic direction, Board development, Executive Director functions, accounting, budgeting, personnel, procurement, and legal services.

Contrast with OMB Circular A-122 Definitions. OMB Circular A-122 establishes general principles for determining the costs of Federal grants for non-profit organizations. In contrast, the new CSBG reporting requirement focuses on developing a better understanding of the specific relationship between CSBG funding and program operations, particularly in the context of ROMA objectives.

The Circular provides grantees with guidance on accumulating direct and indirect costs in order to ascertain the total or "full costs" of a grant program. Circular requirements ensure that a grantee is internally consistent in the manner it charges costs to Federal grant sources, so that costs charged to a grant as "direct" costs do not duplicate the same or similar costs included and charged to a grant through an approved indirect cost rate. Furthermore, indirect costs may be classified within the subcategories of "administrative" costs and "facilities" costs. The Circular permits grantees substantial latitude in defining and grouping these costs, dependent on an organization's structure, number of programs operated, funding sources, and accounting systems.

Therefore, "administrative" costs as defined under the OMB Circular A-122 are not necessarily interchangeable with "administrative" costs for CSBG program reports. If the Circular's definitions were used for CSBG programmatic reporting requirements, the latitude provided in the Circular could result in "direct" and "administrative costs" being overstated or understated for purposes of CSBG program reports. For example, the Circular permits grantees to include all facility costs, including maintenance and operations, as a separately identified category in calculating their indirect cost rates. However, for CSBG program reports, facility costs attributable to the operation of direct program activities should be reported as "direct" costs, and facilities costs associated with general management of the organization should be reported as "administrative" costs. The same principle for assigning a direct cost in CSBG program reports applies to any other costs included in an organization's approved indirect cost rate that can be identified with delivery of a particular activity to achieve an objective of the CSBG award.

Thus, in CSBG program reports, grantees might deviate from the definition of "administrative" costs used in developing an indirect cost rate under OMB Circular A-122. Again, such a recasting for purposes of a CSBG program report does not in any way modify the requirements of the Circular or the classification of costs in a grantee's approved indirect cost rate. Claims for actual expenditures on Federal grant programs must remain consistent with the classification of costs used in the approved indirect cost rate.



Optional Supplemental Cost Information. In reporting on the distribution of CSBG expenditures between direct and administrative costs, CSBG recipients might also wish to include information on the distribution of overall agency spending between direct and administrative costs. Such information on the relative proportion of overall agency expenditures could provide a more accurate picture of agency operations and help to interpret the role of CSBG funds in supporting agency programs.

### **Allowability of CSBG Expenditures on Coordination and Strengthening Activities**

The purpose of the CSBG award differs from most other grants because it does not focus on funding a particular service; CSBG does not function solely as a "stand alone" program. Rather, CSBG funding can support (1) creation of new programs and services, (2) augmentation of existing programs and services; and (3) organizational infrastructure required to coordinate and enhance the multiple programs and resources that address poverty conditions in the community.

The requirements for allowable costs are unique to each Federal program and are found in the laws, regulations, and provisions of grant agreements pertaining to the program. OMB Circ. A-133 Compliance Supp. 3(A) (1997). In addition, allowable costs should comply with several general criteria: (1) reasonable and necessary for performance and administration of the award; (2) conforming to limitations or exclusions set in the award or OMB Circular A-122 Attachment B; (3) consistent with the uniform policies and procedures of the organization; (4) allocated consistently as direct or indirect in like circumstances; (5) in accordance with generally accepted accounting principles; (6) not used to match the cost-sharing or matching requirements of another federally-funded program, or charged as a cost to such a program; and (7) documented adequately. See e.g. OMB Cir. A-122 Attach. A § A(2).

Within this framework, use of CSBG funds to both coordinate and expand local services and programs related to the elimination of poverty meet the standards for allowable costs. These activities comprise the largest spending category for the CSBG award. They often entail planning and management functions that facilitate shared resources and integrated approaches among multiple categorical services and programs within a community. They also leverage, enhance, and supplement the impact of programs supported by other Federal, State, local, and private funding sources.

The CSBG reauthorizing statute specifically targets "the strengthening of community capabilities for planning and coordinating the use of a broad range of Federal, State, local, and other assistance (including private resources) related to the elimination of poverty, so that this assistance can be used in a manner responsive to local needs and conditions." 42 U.S.C. § 9901(2)(A). The statute requires grantees to develop linkages that fill identified gaps in services and support innovative community and neighborhood-based initiatives. 42 U.S.C. § 9908(b)(3)(B). The statute also requires that grantees "coordinate, and establish linkages between, governmental and other social services programs to assure the effective delivery of such services to low-income individuals and to avoid duplication of such services . . ." 42 U.S.C. § 9908(b)(5).

The statutory mandate for coordination is reinforced by the goals and outcome measures established in the ROMA performance-based management system, now made compulsory by the CSBG reauthorization. 42 U.S.C. § 9908(12). Two of the six ROMA goals are "developing partnerships among supporters and providers of services to low-income people" and "increasing the capacity of local agencies to achieve results." Office of Community Serv., U.S. Dep't of Health and Human Serv., ROMA Guide 2 -8 (1999).

These coordinating and strengthening programs may include, but are not limited to: multi-agency strategic planning; community-wide needs assessments; co-location of complementary services; computerization of common intake and referral systems; formalized networking to share resources and facilities; and organization of cross-sector coalitions to address specific community concerns.

The CSBG reauthorizing statute also explicitly permits the use of CSBG funds to augment existing community-based programs. The legislation calls for "the broadening of the resource base of programs directed to the elimination of poverty . . ." 42 U.S.C. § 9901(2)(E). It also provides funds to "make more effective use of . . . other programs related to the purposes" of the CSBG legislation. 42 U.S.C. § 9908(b)(1)(C). For example, CSBG funds can be applied to "support development and expansion of innovative community-based youth programs . . ." 42 U.S.C. § 9908(b)(1)(B).

CSBG funds do remain subject to the standard grant policy prohibition against "cost shifting." This policy prohibits using funds from one grant award to pay for program costs instead of the funds already provided for those same costs within another current-year Federal grant award. However, the policy does not prevent using funds from one grant award to pay for program costs in excess of the amounts provided for those costs in the other current-year award. Specifically, CSBG funds may not be used in place of the amounts provided by another current-year Federal grant award for (1) direct or administrative expenditures that were included as line items in that other grant award, or (2) costs that were included in developing the indirect cost rate. However, CSBG funds may be used to pay for costs of such program activities above and beyond the levels financed by another Federal grant award.

Therefore, consistent with Congressional intent and HHS grants policy, CSBG funds may supplement other grant awards by paying for expansion and enhancement of existing services and programs that already receive Federal, State, local, or private funding for those activities. Outcomes of these CSBG expenditures should be accounted for in the ROMA performance-based management system.

### **Cost Allocation for CSBG Coordination and Strengthening Activities**

Because funding the coordination and enhancement of multiple community-based programs is an explicit objective of the CSBG statute, grantee expenditures on projects, services, or activities in these areas constitute appropriate objects for the purposes of assigning direct costs, as well as administrative costs.

Such grantee programs to "coordinate and strengthen" may entail planning and management functions with some characteristics that resemble typical administrative costs, but should be treated as direct costs. For example, CSBG funds can be used to create and maintain a computer network among multiple service providers in a community. CSBG funds can be applied to develop and operate a one-stop family center that houses multiple service providers and programs funded by other sources. CSBG funds can pay for community-wide needs assessments and multi-service strategic planning. CSBG funds also can finance compilation, publication, and distribution of information to help clients make better use of services and programs funded by other sources. The objective of these CSBG-funded coordination programs is to connect and make more effective use of the underlying services and programs, pursuant to the CSBG statutory mandate. Therefore, these activities constitute a

core CSBG program purpose, significant and necessary to the grantee mission, and an outcome intended by the funding program to which direct costs should be assigned.

The allocation between direct and administrative costs for these programs should be determined in accordance with the grantee's standard procedures for recovering eligible costs, either through calculation and application of the grantee's indirect cost rate, or through direct charges to the grant award.

#### **HHS Reviews**

This memorandum was reviewed by staff in the HHS Office of Grants and Acquisition Management.

#### **Inquiries**

Please address questions to: U.S. Department of Health and Human Services

Administration for Children and Families  
Office of Community Services  
Division of State Assistance  
370 L'Enfant Promenade SW, Suite 500 West  
Washington, DC 20447  
(202) 401-2333 [main phone]  
(202) 401-5713 [fax]

Margaret Washnitzer, D.S.W.  
Director  
Division of State Assistance  
Office of Community Services



CSBG  
 Contract # 15F-XXXX  
 Term: Jan 1, 2015 - Dec 31, 2015  
 Comparison 2014 & 2015 PY  
**PROPOSED BUDGET**

	2015 FTEs	2014 Adjusted Budget	2015 Budget	Increase (Decrease)	%
<b>ADMINISTRATIVE COSTS:</b>					
Line Item					
1.1 Salaries and Wages	1.05	\$ 114,014	\$ 72,589	\$ (41,425)	-36%
Community Services Director	0.05	12,472	6,236	(6,236)	-50%
Sr Business Systems Analyst	0.05	10,451	5,226	(5,226)	-50%
Adm Services Asst III	0.20	24,962	16,642	(8,320)	-33%
Accountant III	0.20	15,759	15,759	-	0%
Personnel Services Asst II	0.10	7,082	7,082	-	0%
Comprehensive Services Asst Mgr	0.20	19,867	9,934	(9,934)	-50%
Senior Clerk	0.15	14,324	7,162	(7,162)	-50%
Senior Clerk	0.10	9,096	4,548	(4,548)	-50%
1.2 Fringe Benefits		\$ 72,969	\$ 46,761	\$ (26,208)	-36%
1.3 Operating Exp and Equipment		\$ 32,474	\$ 30,411	\$ (2,063)	-6%
Office Supplies		1,668	2,558	890	53%
Communications		4,000	4,535	535	13%
Telephone		400	568	168	42%
Membership Dues		2,750	2,750	-	0%
Computer/Printer/Software Costs		5,000	2,200	(2,800)	-56%
Building Occupancy		4,500	6,600	2,100	47%
Auto Mileage-Employee		4,200	750	(3,450)	-82%
In-State Travel		1,400	2,000	600	43%
Training & Registration		6,640	6,500	(140)	-2%
Educational Supplies & Courses		1,916	1,950	34	2%
1.4 Out-of-State Travel		10,000	9,000	(1,000)	-10%
1.6 Other Costs (Indirect)		105,000	94,000	(11,000)	-10%
Subtotal Adm Costs (A)		\$ 334,457	\$ 252,761	\$ (81,696)	-24%
<b>PROGRAM COSTS:</b>					
Line Item					
2.1 Salaries and Wages	0.85	\$ 255,183	\$ 284,008	\$ 28,825	11%
Sr Business Systems Analyst	0.05	10,451	5,226	(5,226)	-50%
Adm Services Asst III	0.20	24,963	16,642	(8,321)	-33%
Personnel Services Asst II	0.10	10,622	7,081	(3,541)	-33%
Comprehensive Services Asst Mgr	0.20	9,934	9,934	0	0%
Senior Clerk	0.20	16,712	9,550	(7,162)	-43%
Senior Clerk	0.10	11,370	4,548	(6,822)	-60%
Assistant Trainees (18)		171,132	231,028	59,896	35%
2.2 Fringe Benefits		\$ 74,329	\$ 58,850	\$ (15,479)	-21%
2.3 Operating Exp and Equipment		\$ 15,450	\$ -	\$ (15,450)	-100%
In-State Travel		1,000	-	(1,000)	-100%
Training & Registration		9,450	-	(9,450)	-100%
Educational Supplies & Courses		5,000	-	(5,000)	-100%
2.5 Subcontractor Services		\$ 111,200	\$ 195,000	\$ 83,800	75%
Subtotal Program Costs (B)		\$ 456,162	\$ 537,858	\$ 81,696	18%
Total CSBG Budget (Subtotals A + B)		\$ 790,619	\$ 790,619	\$ (0)	0%

Date Prepared: December 15, 2014

**2015 CSBG Subcontractors:**

The following outside programs are being funded FY 2015 and were selected by the EOC through a RFI bidding process. A total of \$195,000 of the CSBG funds are allocated to nine sub-contractors:

1. **Bay Area Community Resources (\$25,000)**  
BACR provides HEART: Healing, Educating, And Reducing Trauma, a violence prevention initiative program targeting 10 high risk youth in Antioch ages 14-17. This also includes 100 hours of paid internship, academic engagement services and life skill & violence prevention.
2. **Loaves and Fishes of Contra Costa County (\$25,000)**  
Loaves and Fishes will procure fresh produce for \$21,500 which would amount to about 4000 additional nutritious meals. \$3,500 will go towards hiring an outreach referral case worker.
3. **Pivotal Point Youth Services (\$25,000)**  
Pivotal Point Youth Services will provide Employment and Entrepreneurship training to 100 current and former foster youth for a productive and prosperous transition into adulthood. Ten of these youth ages 18-24 will also be selected to enroll and participate in the Stepping Stone Housing Program. This housing program will be complemented by intensive employment training and supportive services designed to surround the youth with a comprehensive system of support and promote self-sufficiency.
4. **RYSE (\$20,000)**  
RYSE uses Restorative Option and Reentry Project (ROAR) and would enroll 35 young people through probation referrals, Community Services, Juvenile Hall Workshops, and hospital linked violence prevention program.
5. **Food Bank of Contra Costa/Solano (\$22,000)**  
Food Bank will provide fresh fruits and vegetables to 6,800 low-income students from 60 Contra Cost County schools in the Farms to Kids (F2K) program. The students will be able to take 3-5 pound bags of the fresh produce home weekly.
6. **Contra Costa Clubhouse – Putnam Clubhouse (\$18,000)**  
A peer support and vocational rehabilitation program for adult mental health consumers. The Clubhouse will provide pre-vocational and social skills to 250 participants. Daily carrier development activities include individual and group support to gain and sustain employment at local businesses. At least 30 participants are expected to begin employment and remain employed 90 days and more. All the 250 participants receive food assistance through the subsidized meal program.
7. **Opportunity Junction (\$20,000)**  
A minimum of 50 low income Contra Costa residents will enroll in JTPP (Job Training and Placement Program). Case management, alumni mentoring and therapeutic services in addition to life skills, computer skills, business English,

and business math training will also be provided. Over 90% of the graduates get regular jobs within 6 months of completion of the training.

8. **Bay Area Legal Aid (\$20,000)**

BALA will provide family law/immigration legal assistance, counsel & referrals, brief legal assistance, representation in courts, restraining orders to 15 low income Contra Costa residents. BALA will also provide housing legal assistance to 40 low income residents and health insurance counselling, health benefits counselling, and representation at the administrative hearings to 15 low income residents.

9. **Monument Crisis Center (\$20,000)**

Monument Crisis Center will provide improvement in Economic Security and Neighborhood Safety for 100 families through the availability of culturally appropriate, comprehensive resources, referrals and on-site services. In addition 25 teens will improve their Math and reading skills and will be introduced to life skills through MCC TEEN Program during fall 2015. Sixty Children & 25 Teens will be more safe, engaged, educated, and aware through nature activities and field excursions through MCC Summer Camp 2015. In addition 10 Teens will be mentored through Community Services for Juvenile Offenders (CSJO) Program during Summer/Fall 2015.



**The Clerical Assistant Trainee Program (\$255,748):**

This internal two-year program is also being funded through CSBG dollars. Since 2009, Community Services Bureau has successfully administered the Clerical Assistant Trainee (CAT) Program funded with Community Service Block Grant (CSBG) dollars. For the past two years, CSB has provided meaningful work experience in clerical and administrative services through on-the-job training (OJT) and mentoring to forty (40) participants.

During the program year, participants prepare a professional development plan with their mentor, which includes annual career, educational, professional and training goals and is evaluated with their job performance every 6 months. The participants receive additional professional growth and development support within their assigned Units/Center in specialized trainings with on-going guidance, mentoring & coaching and on-the-job computer and technical skills.

In addition, participants receive training on Customer Service, Interviewing Skills and Techniques, and Professionalism in the Workplace to encourage effective work habits and skills that will prepare them for future employment opportunities.

This year we are working closely with the Workforce Development Board to develop a targeted individualized training plan for each individual through the on-line Metrix training program.

Since the program started in 2013, of the 28 participants who completed the two year program, 20 have gained full-time permanent employment. We are also proud that 15 of the total participants are former or current Head Start parents. In 2015, 15 of the participants are in year two of the program.



LINNÉ K. STOUT  
DIRECTOR

State of California-Health and Human Services  
DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT  
2389 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833  
Telephone: (916) 576-7109 | Fax: (916) 263-1406  
[www.csd.ca.gov](http://www.csd.ca.gov)



EDMUND G. BROWN JR.  
GOVERNOR

August 7, 2014

*Camilla - 8/19/14  
Congrats!  
Kathy*

RECEIVED

AUG 19 2014

Employment & Human Services  
40 Douglas Dr.  
Martinez, CA 94553

Kathy Gallagher, Executive Director  
Contra Costa County Community Services Bureau  
40-Douglas Drive  
Martinez, CA 94553

SUBJECT: Desk Review Monitoring Report Number C-14-008

Dear Ms. Gallagher:

On May 27, 2014 the Department of Community Services and Development (CSD) conducted a Community Services Block Grant Program (CSBG) Desk Review for Contra Costa County Community Services Bureau. Review of the appropriate documents provided CSD the opportunity to analyze the administrative and programmatic operations for CSBG contract number 14F-3007.

Enclosed for your reference is the Desk Review Monitoring Report. If you have any questions regarding this report, please call me at (916) 576-4372 or email me at [kwalker@csd.ca.gov](mailto:kwalker@csd.ca.gov)

Sincerely,

*Katie Walker*

Katie Walker  
Field Representative

c: Leslie Taylor, Manager  
Field Operations



**DEPARTMENT OF COMMUNITY SERVICES & DEVELOPMENT**  
**Monitoring Desk Review Report C-14-008**

---

**Agency Name:** Contra Costa County Community Services Bureau

**CSD Field Representative:** Katie Walker

**Date of Desk Review:** May 27, 2014

**Date of Report:** August 7, 2014

**Contracts Reviewed:**

Contract Number	Program Term	Contract Amount	Type of Contract
14F-3007	1/1/14 - 12/31/14	\$790,619	CSBG

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**Board Governance**

**Tripartite Board**

The tripartite board is composed of fifteen (15) board members; five (5) in the public sector, five (5) in the private sector and five (5) in the low-income sector. The current board roster dated March 25, 2014 indicates that there are no board vacancies.

**Board Minutes**

Contra Costa County submits approved board minutes to Department of Community Services and Development (CSD) no later than 30 days after the minutes are approved.

A review of the board minutes from January 2014 through May 2014 indicates that the tripartite board fully participates in the development, planning, implementation and evaluation of the programs. Program and financial reports are presented at every meeting. In addition, revenue and expense reports are presented on each program and included with the board minutes.

Noted in the May 8, 2014 board minutes, EOC Chair, Rachele Gomez, updated the group on the golf tournament stating that an outside consultant will be organizing the event together with the committee's assistance.

Renee Zeimer shared the results of the Contra Costa Affordable Care Act (ACA) Team's enrollment events. During the Covered California open enrollment period, from October 2013 to April 2014, the team sponsored 108 enrollment events, served 2,555 people and completed 551 applications representing coverage for many more individuals and families.



Reverend McGarvey expressed the frustration of the faith community with the scarcity of resources in the County to address the growing numbers of very poor and homeless, particularly in East County and throughout Contra Costa County overall. In response, the faith community has formed a Multi-Faith Action Coalition to: (1) Raise the faith community's voice for system-wide change; (2) Identify gaps in the safety net; and (3) Increase the number of volunteer direct service providers. He cited that \$100 million in CalFresh went unused while increasing numbers of needy clients waited in line for food at Food Banks. He also noted that the CalFresh application is too long and complicated.

#### **Fiscal Review Expenditure Reports**

##### **Contract 14F-3007**

A review of the Expenditure Activity Reporting System (EARS) bimonthly expenditure reports from January through June 2014 indicated that the expenditure reports have been submitted in a timely manner.

#### **Expenditure Progress**

##### **Contract 14F-3007**

The year-to-date expenditures reported in EARS as of June 30, 2014 indicate that 38.94% of \$ 790,619 has been expended. The agency is on target for expending the funds by the end of the contract term.

#### **Annual Audit:**

A review of the Audit Services Unit TR Report 12-031 dated July 23, 2013 states that the report did not disclose any findings requiring corrective action.

#### **Program Review**

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##### **Program Reports**

The Annual 2013 National Performance Indicator (NPI) Report and Client Characteristics Report were submitted timely and accurately. The mid-year 2014 National Performance Indicator (NPI) Report and Client Characteristics Report were not due at the time of this report.

##### **Program Performance**

##### **CSBG Contract 13F-3007**

A review of the agencies annual 2013 National Performance Indicator report shows that the agency achieved the following results:

- Agency projected to assist 355. The 2013 annual report indicated that 323 low income participants obtained a job or became self-employed.
- Agency projected to assist 3,323. The 2013 annual report indicated that 3320 low income participants obtained care for a child or other dependent.

**CSBG Contract 14F-3007**

A review of the agency's 2014 work plan shows that the agency has adjusted projections based on the 2013 annual outcomes.

## California

## Section E: CSBG Expenditures by Service Category

Number of Agencies Reporting: 60

Table 1: Total amount of CSBG funds expended in FY 2013 by Service Category

Service Category	CSBG Funds
1. Employment	\$9,038,819
2. Education	\$10,379,941
3. Income Management	\$2,826,454
4. Housing	\$3,982,366
5. Emergency Services	\$9,332,273
6. Nutrition	\$4,283,046
7. Linkages	\$5,133,230
8. Self Sufficiency	\$7,177,031
9. Health	\$1,871,338
10. Other	\$943,015
<b>Totals</b>	<b>\$54,967,513</b>

Of the CSBG funds reported above \$16,733,075 were for administration.

30.44%

Please consult the instructions regarding what constitutes "administration."

Table 2: Of the funding listed in Table 1: Funds for Services by Demographic Category, FY 2013

Demographic Category	CSBG Funds
1. Youth (Aged 12-18)	\$4,410,806
2. Seniors (Aged 55+)	\$5,387,355

## Section E: CSBG Expenditures by Service Category

NASCSP CSBG IS FY 2013

Printed On: 10/14/2014

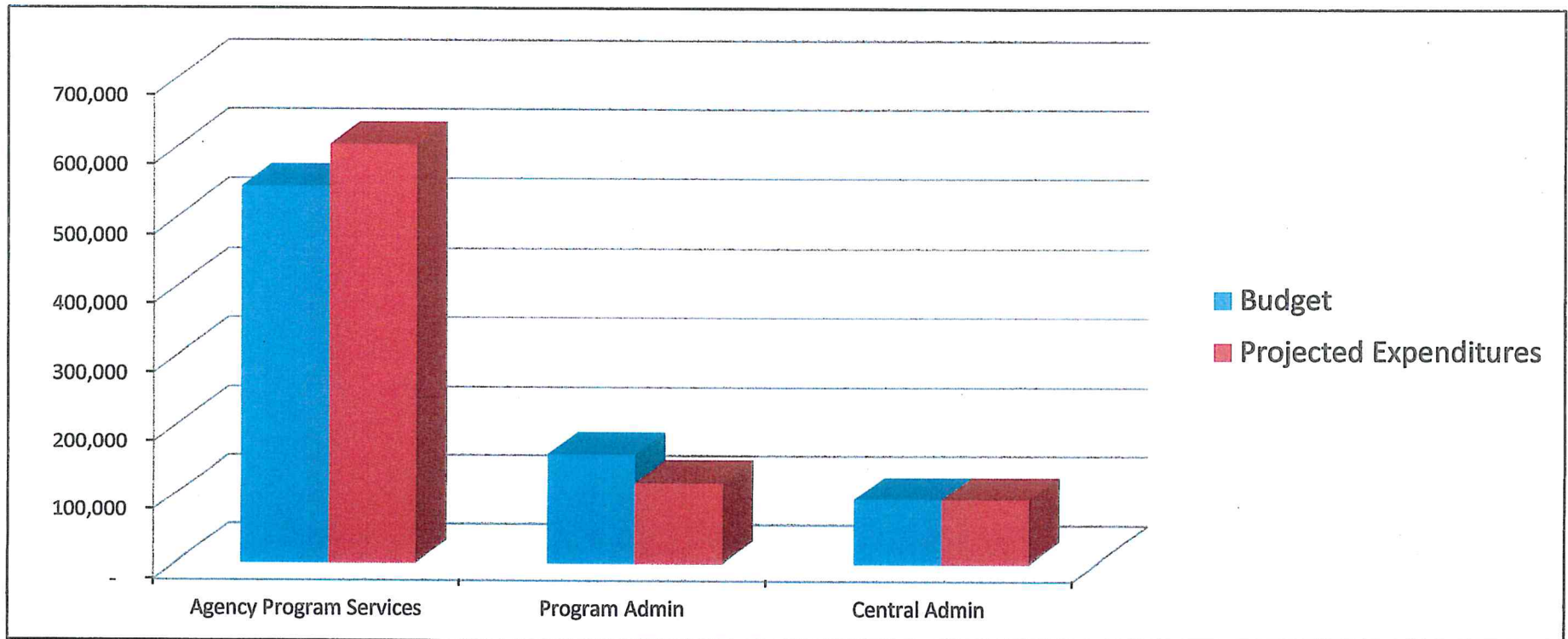


	Employment	Education	Income Management	Housing	Emergency Services	Nutrition	Linkages	Self-Sufficiency	Health	Other	Administration
Community Action of Napa Valley	\$3,412	\$46,998	\$0	\$28,415	\$65,932	\$99,206	\$0	\$0	\$16,034	\$3,379	94.60%
Nevada County Department of Housing and Community	\$9,702	\$42,448	\$0	\$1,213	\$0	\$41,235	\$29,107	\$29,107	\$89,746	\$6,410	31.97%
Community Action Partnership of Orange County	\$200,671	\$401,343	\$267,562	\$167,226	\$200,671	\$468,233	\$367,897	\$234,117	\$200,671	\$0	42.75%
Community Action Partnership of Riverside County	\$507,426	\$561,343	\$321,708	\$193,132	\$256,504	\$0	\$0	\$362,121	\$224,362	\$0	13.93%
Sacramento Employment and Training Agency	\$0	\$0	\$0	\$0	\$1,048,673	\$0	\$0	\$573,222	\$0	\$100,000	7.93%
San Benito County Department of Community Services and Workforce	\$5,395	\$0	\$0	\$13,000	\$206,394	\$0	\$0	\$0	\$0	\$21,099	28.71%
Community Action Partnership of San Bernardino County	\$110,379	\$66,228	\$88,301	\$162,247	\$1,567,179	\$412,206	\$22,077	\$42,704	\$0	\$0	49.89%
County of San Diego, Health and Human Services Agency Community Action	\$1,692,949	\$192,540	\$962,866	\$0	\$132,322	\$0	\$0	\$180,433	\$0	\$0	27.72%
Economic Opportunity Council of San Francisco	\$0	\$784,786	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	33.55%
San Joaquin County Department of Aging, Children and Community Services	\$4,491	\$14,484	\$134,313	\$4,194	\$289,444	\$213,157	\$73,015	\$153,288	\$108,438	\$0	25.02%
Community Action Partnership of San Luis Obispo County	\$16,140	\$114,287	\$56,159	\$12,150	\$78,357	\$22,444	\$20,214	\$64,158	\$14,724	\$0	5.52%
Community Action Commission of Santa Barbara County	\$10,249	\$301,086	\$0	\$0	\$30,978	\$82,640	\$0	\$120,549	\$40,819	\$0	82.95%
Sacred Heart Community Service	\$0	\$195,624	\$0	\$106,063	\$0	\$268,164	\$242,625	\$486,873	\$0	\$0	51.06%
Community Action Board of Santa Cruz County Incorporation	\$130,521	\$13,555	\$0	\$33,109	\$31,538	\$12,102	\$40,951	\$0	\$4,561	\$0	55.65%
Shasta County Community Action Agency	\$0	\$0	\$0	\$150,245	\$0	\$0	\$124,614	\$0	\$0	\$0	54.66%
Community Action Partnership of Solano	\$16,871	\$52,744	\$0	\$89,050	\$0	\$0	\$64,534	\$156,266	\$0	\$73,595	12.00%
Community Action Partnership of Sonoma County	\$0	\$73,869	\$21,144	\$50,572	\$0	\$0	\$182,282	\$21,144	\$0	\$145,873	10.66%
Central Valley Opportunity Center, Incorporation	\$343,916	\$151,719	\$40,045	\$0	\$55,640	\$0	\$441,144	\$197,186	\$0	\$0	12.00%
Sutter County Community Action Agency	\$0	\$9,217	\$21,000	\$21,000	\$130,720	\$43,017	\$3,320	\$0	\$18,741	\$0	11.49%
Tehama County Community Action Agency	\$10,493	\$8,535	\$15,581	\$83,042	\$40,087	\$14,694	\$47,109	\$41,441	\$1,091	\$0	39.10%
Community Services and Employment Training Incorporation	\$334,033	\$123,716	\$0	\$334,034	\$2,474	\$0	\$0	\$30,517	\$0	\$0	40.89%
Community Action of Ventura County, Incorporation	\$0	\$2,504	\$0	\$192,212	\$105,588	\$0	\$192,212	\$76,234	\$57,144	\$0	57.82%
County of Yolo, Department of Employment and Social Services	\$0	\$225	\$0	\$126,339	\$0	\$74,321	\$0	\$0	\$0	\$69,448	11.91%
Yuba County Community Services Commission	\$0	\$72,731	\$0	\$0	\$18,700	\$70,731	\$3,072	\$69,883	\$15,000	\$0	16.61%
California Human Development Corporation	\$195,572	\$41,383	\$0	\$105,440	\$84,616	\$0	\$807,107	\$70,458	\$41,381	\$0	30.72%
Center for Employment Training	\$1,914,115	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	6.13%
Proteus, Incorporation	\$1,717,262	\$322,686	\$0	\$109,100	\$80,637	\$35,549	\$0	\$0	\$0	\$0	33.48%
Ikaruk Tribe of California	\$44,171	\$0	\$0	\$0	\$40,417	\$29,750	\$0	\$0	\$0	\$0	0.00%

	Employment	Education	Income Management	Housing	Emergency Services	Nutrition	Linkages	Self- Sufficiency	Health	Other	Administration
Los Angeles City/County Native American Indian Commission of Los Angeles	\$0	\$0	\$0	\$0	\$258,184	\$0	\$0	\$0	\$0	\$0	0.00%
Northern California Indian Development Council Incorporation	\$306,786	\$421,920	\$135,910	\$157,533	\$378,809	\$120,999	\$395,245	\$31,076	\$119,041	\$0	13.46%
Community Design Center	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$123,262	11.63%
Rural Community Assistance Corporation	\$0	\$31,677	\$0	\$59,305	\$0	\$0	\$0	\$0	\$47,071	\$0	0.00%
San Mateo County Human Services Agency	\$0	\$0	\$0	\$500,680	\$15,465	\$0	\$0	\$0	\$0	\$0	12.00%
Project Go, Inc.	\$0	\$0	\$0	\$66,500	\$79,000	\$52,000	\$0	\$109,323	\$0	\$0	7.47%
Total	\$9,038,819	\$10,379,941	\$2,826,454	\$3,982,366	\$9,332,273	\$4,283,046	\$5,133,230	\$7,177,031	\$1,871,338	\$943,015	\$16,733,075
Count	35	44	25	37	46	36	32	37	30	17	56
% of Total	16.4%	18.9%	5.1%	7.2%	17.0%	7.8%	9.3%	13.1%	3.4%	1.7%	30.4%

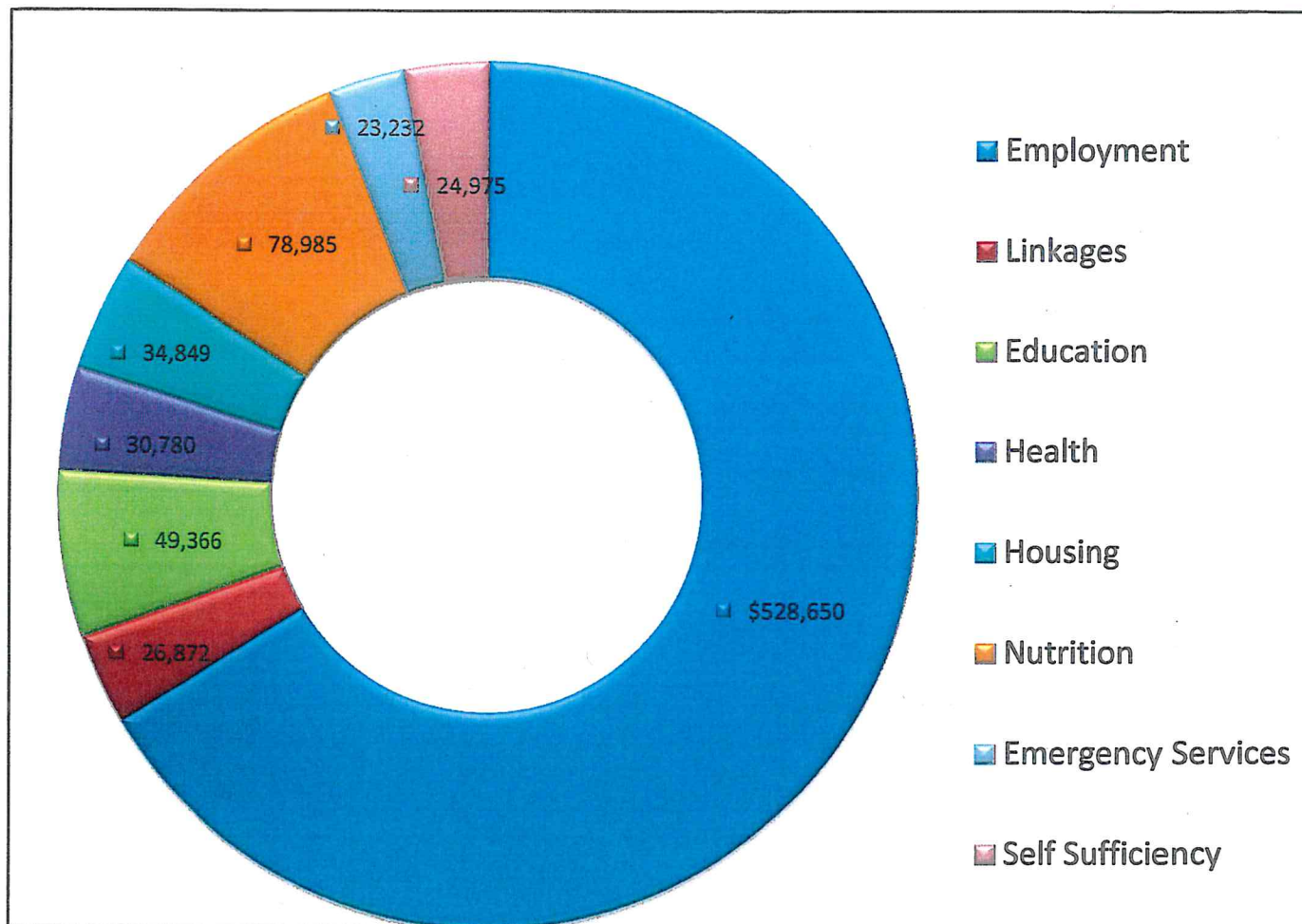
Employment and Human Services Department  
Community Services Bureau  
2015 CSBG Budget Compared to Projected Expenditures

	Agency Program Services	Program Admin	Central Admin	Total
Budget	544,948	158,761	94,000	797,709
Projected Expenditures	605,470	118,602	94,000	818,072
Under (Over) Budget	(60,522)	40,159	-	(20,363)





Employment and Human Services Department  
Community Services Bureau  
2015 CSBG Projected Expenditures by Service Category



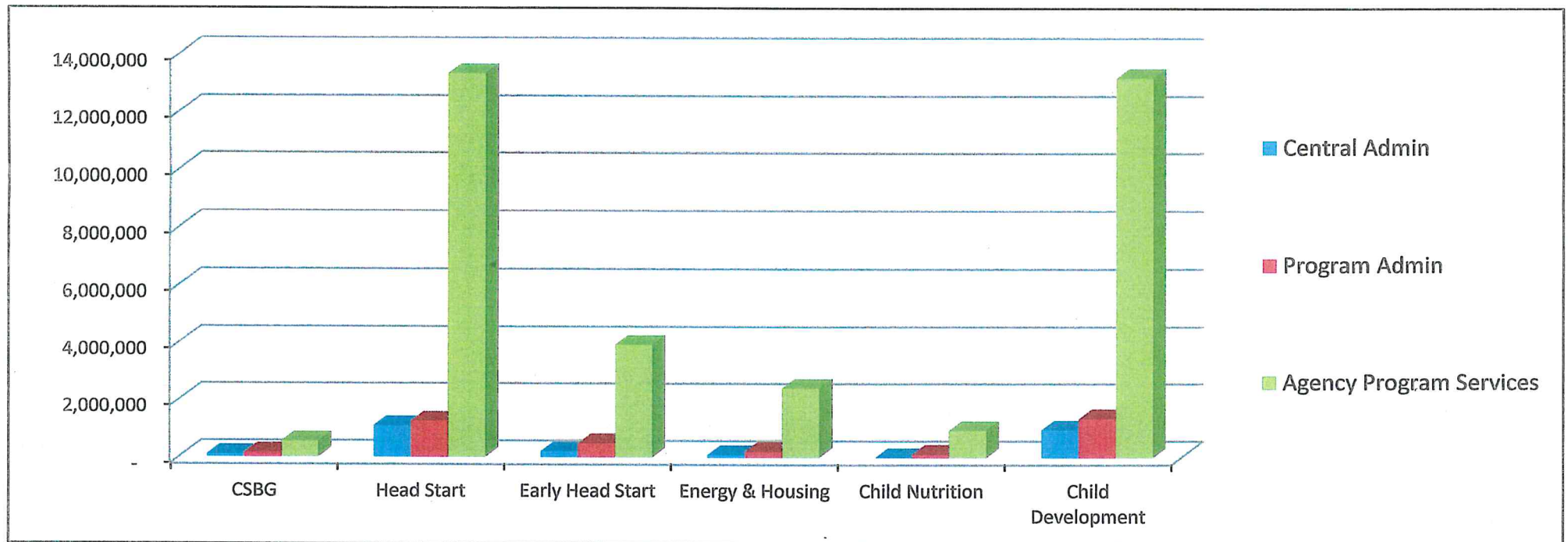
\* Admin costs are proportionately allocated based on direct cost of each service category.

\*\* Clerical Assistant Trainee (CAT) Program expenses are included under Employment.

	Service Category	2015 Projected Expenditures
1	Employment	\$ 528,650
2	Linkages	26,872
3	Education	49,366
4	Health	30,780
5	Housing	34,849
6	Nutrition	78,985
7	Emergency Services	23,232
8	Self Sufficiency	24,975
	Total	\$ 797,709

Employment and Human Services Department  
Community Services Bureau  
2015 Community Action Program Contracts & Grants by Service and Category

	CSBG	Head Start	Early Head Start	Energy & Housing	Child Nutrition	Child Development	Total
Central Admin	94,000	1,093,600	204,405	96,289	-	968,496	2,456,790
Program Admin	158,761	1,259,859	489,721	215,890	116,620	1,358,987	3,599,838
Agency Program Services	544,948	13,336,271	3,933,384	2,430,302	945,439	13,189,073	34,379,417
2015 Amount	797,709	15,689,730	4,627,510	2,742,481	1,062,059	15,516,556	40,436,045



**Central Admin** includes charges from Human Resources, Auditor's Office, County Counsel, General Services, Information Technology, Risk Management, Contract & Grants Unit and Personnel Unit.

**Program Admin** refers to general and administrative expenses that are directly attributable to a particular program, e.g. salaries of program manager, support staff and program materials and supplies.

**Agency Program Services** refer to direct operating costs related to personnel, contracted services and other operating costs of a particular program



# Contra Costa County Board of Supervisors

## Subcommittee Report

### INTERNAL OPERATIONS COMMITTEE

8.

**Meeting Date:** 10/12/2015

**Subject:** July-December 2013 Semi-Annual Small Business Enterprise and Outreach Report

**Submitted For:** David Twa, County Administrator

**Department:** County Administrator

**Referral No.:** IOC 15/1

**Referral Name:** SBE/Outreach Program Oversight

**Presenter:** Vicky Mead, County Administrator's Office

**Contact:**

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#### **Referral History:**

On December 13, 1999, the Board of Supervisors approved the Small Business Enterprise (SBE) Program for the purpose of providing small businesses a fair share of County business. The Outreach Program had previously been adopted by the Board of Supervisors in August 1998 to promote broad outreach to all businesses, including minority-owned, women-owned, small, and local businesses. The IOC has provided policy oversight on these programs since inception, including surveying County departments on the implementation of the SBE and Outreach Programs. In December 2004, the Internal Operations Committee directed the Affirmative Action Officer to make status reports to the Committee on a semi-annual basis.

The IOC received the last report in August 2014, which covered the period July - December 2013. In August, the IOC directed CAO staff to continue working towards getting all departments to use the new reporting format and rules so that the data is complete, consistent and reliable.

#### **Referral Update:**

Attached for the Committee's review and approval is a report concerning SBE program awards made during calendar year 2014. During 2014 and 2015, new data collection procedures were recommended by CAO -- and have been implemented by most departments -- to increase efficiency of data collection and program administration. The current report is the first SBE Report to review the status of the new data collection procedures. The Outreach Program is not addressed in the attached report.

Senior Management Analyst Vicky Mead and Affirmative Action Officer Antoine Wilson will be present to discuss the report and respond to questions.

#### **Recommendation(s)/Next Step(s):**

ACCEPT report covering the period January - December 2014 and CONSIDER staff recommendations on the Small Business Enterprise Program.



**Fiscal Impact (if any):**

Increasing the participation of small businesses, especially local businesses, in contracting opportunities may directly stimulate local economic activity and therefore potentially increase County tax revenues.

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**Attachments**

Staff Report on Small Business Enterprise Program October 2015

**Minutes Attachments**

*No file(s) attached.*

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## BACKGROUND

### 1. Implementation of new data collection procedures and clarification of "rules"

Most departments have implemented the new standardized procedures, which are designed to capture all the relevant data concerning contract or purchase awards that fall within the program.<sup>1</sup>

**However, It continues to be necessary for remaining departments to adopt the standard SBE reporting format which will now capture the details of all the SBE baseline transactions.**

The data collection techniques that have been implemented in 2014 and 2015 are more comprehensive and easier to use than the formats that were put in place in 2007. The forms that were developed in 2007 did not capture effectively all of the relevant transactions, namely, all of the baseline transactions constituting the "pool" of SBE program awards. **This data is essential for the effective operation of the SBE program.**

Over time, some departments have become accustomed to reporting only a list of "SBE transactions," without also reporting their overall pool of eligible transactions. The underlying pool of transactions is important to examine in order to both (1) correctly determine the department's SBE participation rate, as a percentage of all awards that qualify for the program, and (2) identify any awards made in the past (including renewals and amendments) that could be subject to SBE outreach in the future.

### 2. Proposal to ratify and re-issue existing Board Order, including List of Exemptions

The SBE program was approved by Board Order in 1999. Since that time, additional directives and guidelines have been issued (see, e.g. CAO Memoranda of 12/29/2006 and 1/29/2007 - Attachments 1 and 2). The 1999 Board Order included specific program criteria that have since been modified, and established roles for the CAO, Purchasing Director, and Affirmative Action Officer that may have changed over time. For these reasons, CAO staff recommends that the Board Order be updated and re-issued to reflect current program operations.

Among the items to be updated is the list of "exemptions". Exemptions are certain types of contracts (or purchase order awards), as listed in the SBE Board Order approved in 1999, that are

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<sup>1</sup> The SBE data collection formula is:

All qualifying SBE program transactions, net of all exempt (types of) transactions, sorted by the vendor's SBE status. Based on this formula, total awards made to SBE vendors and non-SBE vendors, respectively, are then calculated to determine the SBE participation rate.

considered outside the scope or purpose of the SBE program and are therefore excluded from program statistics.<sup>2</sup>

The 1999 Board Order also authorized the CAO to approve new exemptions under certain circumstances. Nonetheless, some departments are reluctant to modify the scope of exempt transactions they are currently using without a specific directive from the Board of Supervisors. Therefore, a new Board Order should update and ratify the list of exemptions.

### **3. Recommendation to Prepare an SBE Administrative Bulletin**

The Purchasing Division's "County Purchasing Guide" (which describes County-wide procurement policies and procedures) incorporates references to SBE outreach requirements. However there is not a central source of current information concerning SBE program requirements. The SBE program requirements should be incorporated into formal operating procedures for easier reference and to increase compliance.

Because of the specificity of SBE administrative requirements, it would be helpful if the program requirements were included in an Administrative Bulletin<sup>3</sup>. This would serve as an authoritative source of information across departments, create long-term institutional history, and would be the most appropriate tool for implementing and communicating systematic program changes in the future.

### **4. Greater SBE Outreach focus needed by procurement agents and/or fiscal officers.**

The purpose of the semi-annual SBE program report is to evaluate each department's past "success or failure" to meet the County's **SBE program participation** goal [namely, that 50 percent of all (new or renewed) eligible, non-exempt awards should be awarded to SBE contractors].<sup>4</sup>

Each department is -- more importantly -- also responsible for an **SBE outreach effort** to increase the number of qualified firms that are contacted in the initial stages of vendor identification or solicitation, to increase the SBE participation rate for future awards, in order to meet the Board of Supervisor's stated goal of 50 percent participation by SBEs.

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<sup>2</sup> The correct identification of "SBE contracts" (those to be included for outreach or reporting) by departments depends heavily on correctly sorting out 'exemptions;' therefore, updating and re-issuing the policy on exemptions will greatly improve data collection and data quality.

<sup>3</sup> This suggestion was previously made by a former Assistant County Administrator in a memo dated 12/29/2006 (attachment 2).

<sup>4</sup> Until very recently, detailed information was included in the Semi Annual SBE reports to describe outreach that was conducted in connection with new, amended, or renewed contracts. Since the departure of the County's long term Affirmative Action Officer in 2010, the CAO has not conducted intensive oversight of SBE outreach by the departments, but has focused primarily on correctly identifying the "baseline" awards and standardizing data collection to increase ease of administration. A renewed focus on SBE outreach by departments is now needed.



Over the last several years, relatively few of the departments have achieved the 50 percent participation rate goal. The continued success of the Health Services Department in meeting the goal has been due primarily to the inclusion of a large number of individual physicians and other health care practitioners (serving the Regional Medical Center) as "contractors" in the SBE program.

In order for the SBE program to operate effectively, each department's contract and fiscal officers must actively incorporate the SBE outreach requirements prospectively (based on Purchasing Division guidelines) for new, amended, and renewed contracts and purchase orders (as well as single purchases) in their procurement activities -- and not merely report retrospectively in the Semi-Annual report on the percentage of these awards that have been made to SBEs.

#### **5. Proposal to clarify "set-aside" provision**

Clarify whether the Board's policy shall continue to be, as stated in the Board Order and County Purchasing Manual, whether departments shall "set aside contracts [under the threshold] for only SBEs to submit bids, proposals, or enter into negotiated contracts" (emphasis added). If a set-aside program for SBE contractors is not currently desired, amendment to the Board Order should be made accordingly.

#### **6. Measurements of Department Performance**

With the recent expansion of data collection to require (and facilitate) identification of all eligible/potential SBE transactions, and to capture the level of activity for individual vendors, a more intensive focus on departmental performance will be possible.

**Department data that is submitted in the future should reflect:**

- (a) **Whether all "SBE-eligible" transactions (under \$100,000; not exempt) are included in the "pool" of potential SBE awards.**

*If the total number and amount of "eligible" transactions is not provided, the department's SBE participation rate will not be accurate*

- (b) **Whether individual vendor payments have been "double-counted".**

*Frequently, departments report individual payments to SBE vendors, in addition to the initial (underlying) Blanket Purchase Order or contract award that was awarded. This problem of counting both awards and payments (in connection with a single contract or purchase order, when only the "award" is relevant) is thought to have been a source of substantial error in prior reports.*

(c) **Whether all exempt transactions are excluded.**

*Including exempt transactions in the baseline will adversely affect the department's SBE participation rate; these need not be a focus of the program.*

(d) **Whether renewals and amendments that were executed during the period have been reported.**

(e) **Whether the department has performed the required outreach to SBE firms in connection with new, amended, or renewed contracts or blanket purchase orders.**

**7. Results for Calendar Year 2014**

The attached tables evaluate the departments' performance in meeting a 50 percent target SBE participation rate for contracts and purchases that were awarded or renewed during 2014 (January to December). Table 1 reflects total expenditures made to SBE and non-SBE firms, Table 2 reflects the number of awards made to SBE and non-SBE firms, and Table 3 presents information (for the first time) on the average size of SBE and non-SBE awards that were reported.

**RECOMMENDATION(S)/NEXT STEPS**

1. **CONTINUE** the enclosed SBE report (for the 2014 Calendar year) for additional IOC review in the Spring of 2016, in order to address the quality and sufficiency of data that is being submitted by departments.
2. **REQUEST** that prior to the next review in Spring 2016, the SBE Coordinators, working with their departmental fiscal and or procurement officers, should verify that the data meets the specifications described above; or, if necessary, submit additional data to conform to the stated data requirements.
3. **DIRECT** CAO and County Departments also to compile SBE program and outreach data for calendar year 2015 during the first quarter (January to March) of 2016.
4. **CALENDAR** a simultaneous review of 2014 and 2015 data by department for the second quarter of 2016, as a basis for ongoing future review of SBE outreach and SBE program participation rates.
5. **DIRECT** CAO to draft a proposed Administrative Bulletin for the SBE program, to take effect 1-1-2017 if possible, reflecting guidelines as well as further program direction provided by IOC and BOS.

**TABLE 1: SBE and Non-SBE Awards by Departments in CY2014  
(\$ Amounts)**

Sum of Amount	Non SBE awards	SBE Awards	Grand Total*	Pct. of \$ Awarded to SBE firms
<b>Agriculture</b>	<b>221,632</b>	<b>97,022</b>	<b>318,654</b>	<b>30.4%</b>
purchasing	143,602	70,522	214,124	32.9%
svcs contract	78,030	26,500	104,530	25.4%
<b>Animal Services</b>	<b>264,979</b>	<b>15,671</b>	<b>280,650</b>	<b>5.6%</b>
purchasing	103,017	421	103,438	0.4%
svcs contract	161,962	15,250	177,212	8.6%
<b>Assessor</b>	<b>2,426</b>	<b>5,385</b>	<b>7,811</b>	<b>68.9%</b>
credit card	2,070	5,385	7,455	72.2%
warrant request	356		356	0.0%
<b>CAO-CCTV</b>	<b>123,625</b>	<b>1,500</b>	<b>125,125</b>	<b>1.2%</b>
purchasing	62,145	1,500	63,645	2.4%
svcs contract	61,480		61,480	0.0%
<b>CCC Fire</b>	<b>1,272,177</b>	<b>585,142</b>	<b>1,857,319</b>	<b>31.5%</b>
purchasing	792,170	216,933	1,009,102	21.5%
svcs contract	480,008	368,209	848,216	43.4%
<b>Clerk Recorder Admin</b>		<b>51,467</b>	<b>51,467</b>	<b>100.0%</b>
purchasing		51,390	51,390	100.0%
svcs contract		77	77	100.0%
<b>Clerk-Recorder Elections</b>		<b>192,681</b>	<b>192,681</b>	<b>100.0%</b>
personal services		52,675	52,675	100.0%
purchasing		97,355	97,355	100.0%
svcs contract		42,651	42,651	100.0%
<b>County Counsel</b>		<b>16,330</b>	<b>16,330</b>	<b>100.0%</b>
purchasing		1,844	1,844	100.0%
svcs contract		14,486	14,486	100.0%
<b>District Attorney</b>	<b>33,450</b>	<b>90,153</b>	<b>123,603</b>	<b>72.9%</b>
purchase order - blanket		44,900	44,900	100.0%
purchase order - one sh	33,450	45,253	78,703	57.5%
<b>Library</b>	<b>56,484</b>	<b>104,320</b>	<b>160,804</b>	<b>64.9%</b>
personal services	4,425	59,050	63,475	93.0%
purchasing	52,059	45,270	97,329	46.5%
<b>Probation</b>	<b>323,342</b>	<b>151,110</b>	<b>474,452</b>	<b>31.8%</b>
purchasing	176,656	135,928	312,584	43.5%
svcs contract	146,686	15,182	161,868	9.4%
<b>Public Works</b>	<b>1,914,433</b>	<b>4,359,592</b>	<b>6,274,025</b>	<b>69.5%</b>
construction	161,551	130,854	292,405	44.8%
purchase order - blanke	214,899	50,855	265,754	19.1%
purchase order - one sh	33,364	2,919	36,283	8.0%
purchasing	548,489	293,348	841,837	34.8%
svcs contract	737,000	3,261,416	3,998,416	81.6%



Sum of Amount				Pct. of \$ Awarded to SBE firms
	Non SBE awards	SBE Awards	Grand Total*	
svcs contract amended		26,200	26,200	100.0%
svcs contract new	218,500	594,000	812,500	73.1%
warrant request	630		630	0.0%
Sheriff	5,818,369	1,551,926	7,370,295	21.1%
CONTRACT	2,703,500		2,703,500	0.0%
purchasing	3,114,869	1,551,926	4,666,795	33.3%
<b>Grand Total*</b>	<b>\$ 10,030,917</b>	<b>\$ 7,222,299</b>	<b>\$ 17,253,216</b>	<b>41.9%</b>

\*exclusive of Health Services Department

Health Services Department statistics are reported separately

**TABLE 2: Number (Count) of SBE and Non-SBE Awards  
by Departments in CY2014**

	Non_SBE awards	SBE Awards	Grand Total* - No. of Awards	Pct. of No. of All Awards, Awarded to SBE firms
Agriculture	75	45	120	37.5%
purchasing	64	41	105	39.0%
svcs contract	11	4	15	26.7%
Animal Services	55	3	58	5.2%
purchasing	40	1	41	2.4%
svcs contract	15	2	17	11.8%
Assessor	7	1	8	12.5%
credit card	5	1	6	16.7%
warrant request	2		2	0.0%
CAO-CCTV	29	1	30	3.3%
purchasing	24	1	25	4.0%
svcs contract	5		5	0.0%
CCC Fire	1,383	563	1,946	28.9%
purchasing	818	326	1,144	28.5%
svcs contract	565	237	802	29.6%
Clerk Recorder Admin		45	45	100.0%
purchasing		44	44	100.0%
svcs contract		1	1	100.0%
Clerk-Recorder Elections		25	25	100.0%
personal services		11	11	100.0%
purchasing		5	5	100.0%
svcs contract		9	9	100.0%
County Counsel		74	74	100.0%
purchasing		5	5	100.0%
svcs contract		69	69	100.0%
District Attorney	14	15	29	51.7%
purchase order - blanket		2	2	100.0%
purchase order - one shot	14	13	27	48.1%
Library	44	20	64	31.3%
personal services	5	4	9	44.4%
purchasing	39	16	55	29.1%
Probation	24	21	45	46.7%
purchasing	11	15	26	57.7%
svcs contract	13	6	19	31.6%
Public Works	81	119	200	59.5%
construction	2	2	4	50.0%
purchase order - blanket	8	6	14	42.9%
purchase order - one shot	4	2	6	33.3%
purchasing	46	30	76	39.5%
svcs contract	14	62	76	81.6%

	Non_SBE awards	SBE Awards	Grand Total* - No. of Awards	Pct. of No. of All Awards, Awarded to SBE firms
svcs contract amended		2	2	100.0%
svcs contract new	5	15	20	75.0%
warrant request	2		2	0.0%
Sheriff	105	16	121	13.2%
CONTRACT	9		9	0.0%
purchasing	96	16	112	14.3%
<b>Grand Total* - No. of Awards</b>	<b>1817</b>	<b>948</b>	<b>2765</b>	<b>34.3%</b>

\*exclusive of Health Services Department

Health Services Department statistics are reported separately



**TABLE 3: Average SBE and Non-SBE Awards by Departments in CY2014**

Average of Amount			
	Non_SBE awards	SBE Awards	Grand Total Average
<b>Agriculture</b>	<b>2,955</b>	<b>2,156</b>	<b>2,655</b>
purchasing	2,244	1,720	2,039
svcs contract	7,094	6,625	6,969
<b>Animal Services</b>	<b>4,818</b>	<b>5,224</b>	<b>4,839</b>
purchasing	2,575	421	2,523
svcs contract	10,797	7,625	10,424
<b>Assessor</b>	<b>347</b>	<b>5,385</b>	<b>976</b>
credit card	414	5,385	1,243
warrant request	178		178
<b>CAO-CCTV</b>	<b>4,263</b>	<b>1,500</b>	<b>4,171</b>
purchasing	2,589	1,500	2,546
svcs contract	12,296		12,296
<b>CCC Fire</b>	<b>920</b>	<b>1,039</b>	<b>954</b>
purchasing	968	665	882
svcs contract	850	1,554	1,058
<b>Clerk Recorder Admin</b>		<b>1,144</b>	<b>1,144</b>
purchasing		1,168	1,168
svcs contract		77	77
<b>Clerk-Recorder Elections</b>		<b>7,707</b>	<b>7,707</b>
personal services		4,789	4,789
purchasing		19,471	19,471
svcs contract		4,739	4,739
<b>County Counsel</b>		<b>221</b>	<b>221</b>
purchasing		369	369
svcs contract		210	210
<b>District Attorney</b>	<b>2,389</b>	<b>6,010</b>	<b>4,262</b>
purchase order - blanket		22,450	22,450
purchase order - one shot	2,389	3,481	2,915
<b>Library</b>	<b>1,284</b>	<b>5,216</b>	<b>2,513</b>
personal services	885	14,763	7,053
purchasing	1,335	2,829	1,770
<b>Probation</b>	<b>13,473</b>	<b>7,196</b>	<b>10,543</b>
purchasing	16,060	9,062	12,022
svcs contract	11,284	2,530	8,519
<b>Public Works</b>	<b>23,635</b>	<b>36,635</b>	<b>31,370</b>
construction	80,776	65,427	73,101
purchase order - blanket	26,862	8,476	18,982
purchase order - one shot	8,341	1,460	6,047
purchasing	11,924	9,778	11,077
svcs contract	52,643	52,603	52,611
svcs contract amended		13,100	13,100
svcs contract new	43,700	39,600	40,625

**Average of Amount**

	Non_SBE awards	SBE Awards	Grand Total Average
warrant request	315		315
Sheriff	55,413	96,995	60,912
CONTRACT	300,389		300,389
purchasing	32,447	96,995	41,668
Grand Total Average	\$ 5,521	\$ 7,618	\$ 6,240

10C 10.12.15

Attachment 1

COUNTY OF CONTRA COSTA  
OFFICE OF THE COUNTY ADMINISTRATOR  
MEMORANDUM

DATE: January 29, 2007

ARCHIVED DOCUMENT

TO: Department Heads

cc: Department SBE and Outreach Liaisons  
Emma Kuevor, Affirmative Action Officer  
Kevin Berenson, Purchasing Manager  
David Schmidt, Deputy County Counsel

FROM: Sara Hoffman, Assistant County Administrator

SUBJECT: ADMINISTRATIVE DIRECTIVES ON REPORTING PROCESS FOR SBE & OUTREACH  
PROGRAMS

This directive details changes to the reporting process for the SBE and Outreach Programs that Departments must follow when submitting information regarding their **professional/ personal services contracts, construction contracts, and purchasing transactions**. These changes have been made in order to streamline the data submitted by the Departments, consistent with Board-directed program parameters. The changes relate to the following areas:

- 1) Reporting frequency and deadlines;
- 2) Report format; and
- 3) Method used to submit report data.

**Reporting Frequency and Deadlines** – Departments are no longer required to submit their SBE and Outreach reports quarterly. Departments will submit SBE and Outreach data to the Affirmative Action Office and Purchasing Division semi-annually. The deadline for submitting the data will be 10 business days following the last day of the reporting period (i.e., June 30 and December 31).

Recognizing that a Department's internal process for authorizing the SBE and Outreach reports may require more than ten days, Departments must submit at least a *draft* report by the 10-day deadline and a *finalized* report no later than 15 business days following the last day of the reporting period.

**SBE Report Format** – Departments are no longer required to: 1) submit SBE award data using the existing SBE report format or award forms; or 2) report amounts paid to SBEs. Instead, Departments will provide information regarding their contract activity and transactions on one consolidated form that details:



- Date (or Month) of Transaction
- Contract or Transaction Number
- Firm Name
- Dollar Amount of Contract/Transaction

Departments will provide this information for each of their contracts and transactions and identify which of the contracts/transactions were awarded to County- or State-certified SBEs.

In lieu of requiring and reviewing separate award forms, the County Administrator's Office (CAO) will verify information reported by the Departments using contract/transaction records. As such, Departments must be prepared to demonstrate at a later time that the information provided in the Department report corresponds with its records.

**Outreach Report Format** – Departments are no longer required to submit Outreach data for their purchasing transactions, since transactions within program thresholds are now handled through the e-Outreach system administered by the General Services Department (Purchasing Division). Departments, however, will provide information regarding their outreach activity for construction and professional/personal services on a consolidated form that details:

- Number of Contracts/Transactions
- Dollar Amount of All Contracts/Transactions
- Total Number of Business Contacts
- Number of Contacts by type of business (MBE, WBE, SBE, LBE, DVBE, and etc.)

**Method of Submitting Information** – Using the attached excel templates, Departments will submit their SBE and Outreach reports electronically to the following individuals:

- Nina Bodway, Affirmative Action Office - [Nbodw@cao.cccounty.us](mailto:Nbodw@cao.cccounty.us)
- Kevin Berenson, Purchasing Division - [Kberenson@gsd.cccounty.us](mailto:Kberenson@gsd.cccounty.us)

Additional instructions on using the SBE and Outreach report templates are contained within those forms.

**Directive Effective Date** – This directive is effective retroactively to January 1, 2007. (These changes do not impact the 4<sup>th</sup> quarter report for 2006. That report was due to the CAO by January 12, 2007, using the existing report format and process.) The changes outlined in this directive will be implemented as a 6-month pilot, after which the reporting process will be evaluated.

The participation of all Departments is critical to ensure a thorough evaluation of the pilot and accurate measure of the County's progress toward its SBE goals and Outreach requirements. In the event reports are not submitted within the established timeframes, the CAO may discontinue the new reporting frequency and instead reinstate the prior requirement of quarterly reports.

If you have any questions regarding the use of the templates, please contact Celia Pedroza at 335-1037.

COUNTY OF CONTRA COSTA  
OFFICE OF THE COUNTY ADMINISTRATOR  
MEMORANDUM

**DATE:** December 29, 2006

**To:** Department Heads

**cc:** Department SBE and Outreach Liaisons  
Emma Kuevor, Affirmative Action Officer  
Kevin Berenson, Purchasing Manager  
David Schmidt, Deputy County Counsel

**FROM:** Sara Hoffman, Assistant County Administrator

**SUBJECT:** ADMINISTRATIVE DIRECTIVES ON OUTREACH AND SBE PROGRAMS

ARCHIVED DOCUMENT

Thank you for commenting on the draft *e-Outreach* implementation issues paper. All comments were considered in formulating this administrative directive.

In addition to administrative implementation issues, the paper identified a policy issue which will be presented to the Board of Supervisors for their consideration at the January 9, 2007 Board meeting. The Internal Operations Committee will be recommending that the Board of Supervisors accept State certified SBEs and well as County certified SBEs in assessing compliance with County SBE goals and Outreach requirements. This recommendation was also unanimously endorsed by the Advisory Committee on Equal Employment Opportunity.

*Duplicative Databases* – Effective immediately, all departments should send their databases of County certified “BEs” (SBE, MBE, WBE, etc) to Purchasing for integration into a single database. All Self Certification Forms should be sent to Purchasing as well.

Effective January 1, 2007, only the firms identified as County-certified SBEs in the Purchasing Vendor Database will count toward the SBE program. Thus, it is critical that the Departments forward their databases and Self Certification Forms to Purchasing to ensure a full count of qualified SBE awards. In addition, assuming the Board of Supervisors approves use of State-certified SBEs, state-certified SBEs will also be accepted when assessing SBE program compliance. The RFP Depot database will be used to verify state-certified SBEs.

Community Development has expressed concern that some of their professional services contractors may not be covered by the NIGP coding system. Purchasing will be contacting them to resolve this issue. If other departments have similar concerns, they should contact Kevin Berenson, Purchasing Manager, 313-7326 kberenson@gsd.cccounty.us.

Please note that the RFP Depot system *automatically* sends out bid opportunity notices for transactions initiated by the Purchasing Division on a department’s behalf. That function is not available through the Purchasing Vendor Database, which is hosted on the County’s Intranet. Instead, the Department

itself must identify qualified vendors and send out notices of bid opportunities when choosing to initiate their own contracts/transactions. Remember that all County-certified BE vendors listed in RFP Depot's database are listed in the Purchasing Vendor Database, but not all County-certified BE vendors in the Purchasing Vendor Database will be in the RFP Depot database (County-certified BEs who chose not to register with RFP Depot will be listed in the Purchasing Vendor Database only).

*SBE and Outreach Program Reports* – Effective January 1, 2007, departments should send the Purchasing Division their Purchasing SBE and Outreach program reports on **commodity purchases** that are *not* handled on their behalf by Purchasing (such as Procurement Card and warrant request purchases). Reports should be submitted semi-annually, no later than 10 business days following the end of reporting period (June 30<sup>th</sup> and December 31<sup>st</sup>). Reports will be presented to the Advisory Council on Equal Employment Opportunity prior to submittal to the Internal Operations Committee. SBE reports on commodity purchases will continue to report department level data. Outreach reports will be by type of commodity, not by department.

For **professional/personal services** and **construction contracts**, departments should continue to submit their SBE and Outreach program reports to Affirmative Action. For the 4<sup>th</sup> Quarter of 2006, please submit your quarterly report no later than January 12, 2007.

*Sole Source Justifications and Exemption Requests* – For commodity purchases, departments will continue to be responsible for preparing sole source justifications. If the department is handling the purchase, then the department should prepare the exemption request and submit it to the County Administrator's Office. If Purchasing makes the purchase decision, then Purchasing is responsible for the exemption request to the County Administrator's Office.

No changes are being made for professional/personal services or construction contract sole source justifications or exemption requests.

*Access to RFP Depot Database* – Purchasing will be providing access codes so the departments can access the RFP Depot Database to confirm that their vendors have successfully completed the enrollment process and for other purposes. Access will be provided as soon as possible. Please contact Kevin Berenson, Purchasing Manager, with the name, telephone number and email address of the individual(s) who should get access.

In addition, several issues arose during review of the issues paper:

*IT Standards and Security Requirements* – Purchasing will be working with DoIT to ensure that commodities purchased by the County comply with County IT standards and security best practices.

*Reporting transactions in both SBE and Outreach Programs* – Effective January 1, 2007, transactions that qualify for both SBE and Outreach programs should be counted in *each* program. This directive applies to all transactions: purchase of commodities, professional/personal services and construction contracts. (For the 4<sup>th</sup> quarter report ending December 31, 2006, continue the current practice of counting transactions that qualify for the SBE and Outreach programs in only one program area.)

*Future directions for the SBE and Outreach Programs* – It is our intent to streamline the SBE and Outreach reporting requirements, consistent with Board-directed program parameters. We are particularly interested in developing an on-line reporting system for SBE awards, which would be submitted semi-annually. The new reporting system would replace the current quarterly report summary sheet and individual award forms. We also intend to memorialize requirements and responsibilities through the



promulgation of new Administrative Bulletins, so that information is readily accessible through the County's Intranet. Celia Pedroza, Management Analyst, is taking the lead on this effort. Please contact her at 335-1037 if you have ideas or suggestions.

Also, if you have any questions regarding these administrative directives, please contact me at 335-1090, Kevin Berenson at 313-7326 or Emma Kuevor at 335-1045.

Thank you for your cooperation.

## **Attachment 3: Prior SBE Board Orders**

TO: BOARD OF SUPERVISORS  
FROM: INTERNAL OPERATIONS COMMITTEE  
DATE: December 19, 2000

JAN 05 2001

C. 128

Contra  
Costa  
County

ARCHIVED DOCUMENT

SUBJECT: CLARIFICATION OF REPORTING REQUIREMENTS UNDER  
THE COUNTY'S OUTREACH PROGRAM



SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATIONS:

1. APPROVE recommendations for reporting under the County's Outreach Program and SBE Program, as detailed in Background below.
2. DIRECT the County Administrator to adjust the program language and forms, as necessary, to implement the recommendations.

BACKGROUND:

As directed by the Board, the Internal Operations Committee continues to maintain policy oversight for the Small Business Enterprise and Outreach Programs. Our Committee receives periodic reports from the County Administrator and Affirmative Action Officer on the status of the programs, and also has requested and received input from the Advisory Council on Equal Employment Opportunity, which is responsible for advising the Board on affirmative action programs.

Occasionally, our Committee has been asked to provide guidance to staff on issues that have arisen in the implementation of the programs. One such issue is the reporting requirement under the Outreach Program and SBE Program. This was addressed in the December 1, 2000 report received by our Committee.

Reporting under the Outreach Program logically should relate to the goal of the program, which is to provide an equal opportunity for vendors, service providers, and contractors to compete for business with the County. Thus, the reporting requirement should focus on outreach or solicitation

CONTINUED ON ATTACHMENT: ☒ YES

SIGNATURE:

☐ RECOMMENDATION OF COUNTY ADMINISTRATOR ☒ RECOMMENDATION OF BOARD COMMITTEE  
☐ APPROVE ☐ OTHER

SIGNATURE(S):

*Gayle B. Uilkema*  
GAYLE B. UILKEMA

MARK DeSAULNIER

ACTION OF BOARD ON December 19, 2000 APPROVE AS RECOMMENDED ☒ OTHER ☐

VOTE OF SUPERVISORS

☒ UNANIMOUS (ABSENT \*\* )

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

CONTACT: JULIE ENEA (925) 335-1077  
cc: INTERNAL OPERATIONS COMMITTEE STAFF  
AFFIRMATIVE ACTION OFFICER  
COUNTY ADMINISTRATOR  
GENERAL SERVICES DEPARTMENT  
COUNTY COUNSEL

\*\* Supervisor seat V is vacant at this time

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 19, 2000  
PHIL BATCHELOR, CLERK OF THE BOARD  
OF SUPERVISORS AND COUNTY  
ADMINISTRATOR

BY *Phil Batchelor* DEPUTY



efforts, which are the main focus of the Outreach Program. Our Committee recommends, therefore, that staff establish a procedure to compile and report the number of vendors, service providers, and contractors contacted under the program by the following categories: MBE, WBE, OBE, SBE, and LBE.

Another issue discussed by our Committee was the reporting of those firms that choose not to identify themselves as MBE, WBE, or SBE or whose status is otherwise unknown. In the past, such undesignated firms presumably have been included under the OBE (Other Business Enterprise) category. To accommodate such firms and to ensure that they are properly reported, our Committee recommends that staff be directed to adjust the categories or definitions, as necessary.

The Purchasing Outreach Program presently requires periodic reports listing "the number and dollar value of all contracts, including those contracts given to identified MBE, WBE, SBE, and LBE vendors."

Our Committee recommends against compiling and reporting statistics of contract awards and purchases by those categories, especially since the Outreach Program does not include specific goals or requirements for contract award by category.

To implement the above-described requirements, staff should be directed to adjust the program language and forms, as necessary.

FROM:

1999 INTERNAL OPERATIONS COMMITTEE

DATE:

December 13, 1999

SUBJECT:

SMALL BUSINESS ENTERPRISE PROGRAM

Contra  
Costa  
County

ARCHIVED DOCUMENT

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) &amp; BACKGROUND AND JUSTIFICATION

**RECOMMENDATIONS:**

1. APPROVE the attached Small Business Enterprise Program.
2. DIRECT the County Administrator to provide appropriate instructions to County Departments on the implementation of the Small Business Enterprise Program.
3. REMOVE this subject as a referral to the 1999 Internal Operations Committee and instead REFER it to the 2000 Internal Operations Committee for continuing policy oversight, as is provided for on the last page of the attached.

**BACKGROUND:**

This subject was referred to our Committee nearly a year ago and we have met on it with staff on several occasions throughout the year. Our goal was to put together a program that would provide small businesses with a fair share of the County's businesses. We believe we have done that. To briefly summarize the content of the attached report:

- The program covers construction contracts of \$25,000 or less and purchasing transactions of \$50,000 or less and professional/personal services contracts of \$50,000 or less.

CONTINUED ON ATTACHMENT: ☐ YES

SIGNATURE:

RECOMMENDATION OF COUNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

APPROVE

OTHER

SIGNATURE(S):

GAYLE B. UILKEMA

JOHN GIOIA

ACTION OF BOARD ON

January 25, 2000

APPROVED AS RECOMMENDED ☒ XXOTHER ☐ XX

The following people offered public comment on this matter:

Oren Sellshorn, 301 Mission Street, #400, Lawyer's Committee for Civil Rights; and Jonothan Dumas, 41 Carter Court, Equal Employment Opportunity Advisory, El Sobrante;

The Board discussed the issues and took the following action:

ACCEPTED staff's Recommendations Nos. 1 and 2; and DIRECTED No. 3 include the language "and for potential broadening of the Program as the Committee determines".

VOTE OF SUPERVISORS

UNANIMOUS (ABSENT ☐ - - - - -)

AYES: I, IV, V &amp; III

NOES:

ABSENT: II

ABSTAIN:

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 January 25, 2000

PHIL BATCHELOR, CLERK OF THE BOARD OF  
SUPERVISORS AND COUNTY ADMINISTRATOR

Contact:  
cc:

County Administrator  
Julie Enea, Staff to the Internal Operations Committee  
Affirmative Action Officer

BY

DEPUTY

- For those contracts and transactions that are not exempt from the program, 50% of the dollar amount will be awarded to small businesses, as a small business is defined. Businesses which do not qualify as a small business will not be able to bid on the contract or transaction.
- All other factors being substantially the same, contracts are to be awarded to a local small business.
- The County Administrator is to make a report to the Board annually by March 30 on the success of the program.



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Consider WJ  
D.4

## Contra Costa County Small Business Enterprise Program

### I. Scope of Program

- A. Contra Costa County values the contributions of small businesses in County contracting and will assist in the development, solicitation, and contract awards to small businesses.
- B. The Small Business Enterprise (SBE) Program applies to:
- construction contracts of \$25,000 or less;
  - purchasing transactions of \$50,000 or less;
  - professional/personal service contracts of \$50,000 or less;
- at the time of contract award.
- C. The program would not apply to any contracts or purchasing funded in whole or in part by the federal government to which Disadvantaged Business Enterprise (DBE) requirements apply as a condition of federal funding.
- D. The County Administrator may exempt emergency construction projects, purchasing transactions, professional/personal service contracts, and other

particular projects or contracts, such as sole source contracts, from the SBE Program requirements, where the County Administrator is satisfied that: (1) the exemption is required to avoid unreasonable expense or delay to the County; (2) the project(s), transaction(s), or contract(s) in question cannot reasonably be performed by an SBE; (3) no valid purpose would be served by applying the SBE Program requirements; or (4) the exemption is justified by special or unique circumstances. Whenever the County Administrator decides to exempt a project or class of projects, that decision shall be reported to the Board of Supervisors' Internal Operations Committee or, if appropriate, to the Board.

E. Departments with purchasing source discretion ("PSD") will:

- identify those contracts under the threshold amount for each SBE Program area ( i.e., construction, purchasing transactions, and professional and personal service contracts) and set-aside contracts for only SBEs to submit bids, proposals or enter into negotiated contracts;
- determine if contracts will be informal bids/proposals, formal bids/proposals, or negotiated contracts;
- will review all construction contracts, purchasing transactions, and professional and personal services contracts under the threshold amounts

for the SBE program on a reasonable basis to ensure that the County meets the goal of this program; and

- make every effort to maintain a large base for SBE contracting.

F. The SBE Program does not apply to the following, which are exempt from the SBE Program base amount:

- Association dues and membership fees;
- Postage, Federal Express, and UPS;
- Lodging;
- Registration and conference booths;
- Bus fares, Bay Area Rapid Transit District (BART) tickets, fares for other forms of public transportation, and bridge tolls;
- Permits, fees, and licenses paid to governmental agencies;
- Utility installation fees;
- Pre-employment screening and fitness for duty exams;
- Legal notices;
- Purchases or contracts with other public (local, state, or federal) agencies such as the State of California and the Los Angeles County Joint Purchasing Group;



- Contracts between divisions in a department or contracts between two different departments;
- Contract consultants who answer "yes" to any of the questions on the Questionnaire for Determining Independent Contractor Payment Method form; unless it is determined and certified that they are SBEs, as defined in Section D of Part III of this Program; and
- Contracts with private non profit organizations and agencies.

G. The program will be implemented and monitored by the General Services Director (Purchasing Agent), Department Heads with purchasing source discretion ("PSD"), and the County's Affirmative Action Officer. Departments with "PSD" will submit quarterly reports of their "PSD" transactions in a timely manner to the County Administrator or designee, and a draft annual report prepared by the Affirmative Action Officer will be submitted to the County Administrator. On or before March 30 of each year, a final annual report by the County Administrator will be submitted to the Board of Supervisors on the County's SBE Program. Departments with "PSD" who do not meet a 50% SBE participation in the "PSD" transactions applicable to their departments shall report to the County Administrator on this area.

- II. An SBE contractor may appeal to the Department Head or designee within 10 days of the award of a contract. If the complaint is not resolved within the department, the SBE firm may file a complaint with the County's Affirmative Action Officer. If it is not resolved with the Affirmative Action Officer, the County Administrator will review the complaint and take appropriate actions.

II. Program Requirements

- A. The total dollar base amount is the number of non-exempt contracts under the SBE Program threshold for construction (total contracts at \$25,000 or less), purchasing (total contracts at \$50,000 or less), professional/personal services (total contracts at \$50,000 or less).
- B. At least fifty percent (50%) or more of the total dollar base amount for the calendar year of :
- construction contracts;
  - purchasing transactions; and
  - professional/personal services contracts

available to the program should be awarded to SBEs, as provided in Section A above.

- C. Where the purchasing and professional/personal services SBE Program overlap with the purchasing and professional/personal services Outreach Program, the 50% non SBE purchasing transactions and professional/personal services contracts should meet the Outreach Program requirements.
- D. To the extent allowed by law, the General Services Director (Purchasing Agent) and County departments with PSD shall maximize business opportunities for local SBEs to compete and shall give a contracting priority to such local SBEs for County construction contracts, professional/personal service contracts, and purchasing transactions covered by the SBE Program where there is no significant difference between the local SBE's bid, proposal, or price and other bids, proposals, or prices for the contract or purchasing transaction.

### III. Program Responsibility



- A. Board of Supervisors: The Board of Supervisors has adopted a SBE Program to assist in the solicitation and award of contracts to small businesses (particularly those located in Contra Costa County).
- B. County Administrator: The County Administrator is responsible for the development, implementation, monitoring, and evaluation of the SBE Program and may delegate responsibility to the Affirmative Action Officer or other designee.
- C. Department Heads:
  - 1. The County Administrator, General Services Department, Building Inspection Department, Community Development Department, Public Works Department, and any other Department that enters into construction contracts (not performed by another County Department):
    - are responsible for implementing the SBE Program for construction contracts in their respective departments.
  - 2. The General Services Director (Purchasing Agent)

- Is responsible for reporting on all purchasing transactions processed and the source(s) determined by that department, as provided in Section B of Part IV of this Program.

3. All Department Heads

- Are responsible for implementing the SBE Program for "PSD" purchasing transactions of the department and "PSD" professional/personal service contracts for their respective departments.

D. Program Definitions

1. Small Business Enterprise (SBE):

- a. An eligible Small Business Enterprise, as defined by the California Government Code, Section 14837, Chapter 3.5,
  - is an independently owned and operated business, which is not dominant in its field of operation;
  - the principal office of which is located in California;

- the officers of which are domiciled in California, and which, together with affiliates, has 100 or fewer employees; and
- average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years, or
- is a manufacturer with 100 or fewer employees.

2. SBEs certified by the state would qualify for participation in the County's SBE Program. An SBE that is self-certified and claims its status under penalty of perjury, and such self-certification is concurred in by the department, also would qualify.
3. The base for the total dollar amount is the total number of contracts under the SBE Program threshold for construction (total contracts at \$25,000 or less), purchasing (total contracts at \$50,000 or less), and professional/personal services (total contracts at \$50,000 or less) contracts.



4. A local SBE is an SBE whose main office is located in Contra Costa County.
5. An SBE Directory of Self-Certified firms will be developed and maintained by the Affirmative Action Office.
6. Purchasing Source Discretion ("PSD") means those transactions where a department has sole discretion to determine the source of goods, services or construction without limitation to those vendors or contractors approved by the Purchasing Agent and where the Purchasing Agent processes the transaction without exercising any discretion.

#### IV. Program Procedures and Implementation

- A. Department Heads with "PSD" are responsible for administration and implementation of the SBE Program (construction, purchasing transaction, and/or professional and personal service contracts) for their "PSD" transactions and shall submit quarterly reports to the County Administrator or designee in a timely manner.

- B. The General Services Department (Purchasing Agent) is responsible for reporting on and implementing the SBE Program for all purchasing transactions and contracts that are processed by that department, except for those transactions where another department exercises "PSD," as defined in Section D. 6 of Part III of this Program. Such reporting will be done on a quarterly basis in a timely manner to the County Administrator or designee by the General Services Department (Purchasing Agent).

V. Conclusion

A. County Administrator will

- On or before March 30 of each year, submit a final annual report to the Board of Supervisors indicating the total dollar amount of qualified contracts and SBE contracts (\$25,000 and less for construction; \$50,000 and less for purchasing; and \$50,000 and less for professional/personal services contracts) for the County.

- Submit SBE recommendations to the Board of Supervisors.

- B. The Internal Communications Committee of the Board of Supervisors will have continuing policy oversight and develop any recommendations for program changes.

a:sbe3

**Attachments 4 through 7**  
**Examples of Department Data Submitted**

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IUC 10.12.15

## Attachment 4

Assessor 'SBE data'  
2014

Org	Obj	Sub Obj	Description	TC Reference	Date Posted	Amount	PO #	Vendor #		
1013	2000	2251	96196644/R265590	52 G-378766	8/6/2014	\$126.00	FW238710	00001	MicroFocus	Maint-Support Rumba Software
1025	2000	2467	REG RULLODA M 9/11-9/12	52 G-379790	8/12/2014	\$75.00	FW238711	00001	CAACC	Exempt - Registration
1000	2000	2102	2014 FLSA POCKET GUIDE	52 G-381288	8/15/2014	\$30.33	FW238712	00001	UC Reg-CPER	FLSA Pocket Guide
1019	2000	2467	REG GARVEY L 9/11-9/12	52 G-387786	9/8/2014	\$75.00	FW238713	00001	CAACC	Exempt - Registration
1019	2000	2467	REG WEBBER J 9/11-9/12	52 G-387786	9/8/2014	\$75.00	FW238713	00001	CAACC	Exempt - Registration
1000	2000	2467	REG B CAMPBELL 10/6-7	52 G-391508	9/18/2014	\$150.00	FW238717	00001	SACA	Exempt - Registration
1025	2000	2467	REG M RULLODA 10/6-7	52 G-391508	9/18/2014	\$150.00	FW238717	00001	SACA	Exempt - Registration
1000	2000	2303	80201448 VERIGIN 11/4-6	52 G-400140	10/16/2014	\$400.09	FW238720	00001	Embassy Suites	Exempt - Lodging
1000	2000	2102	92871 SUBSC 2015	52 G-414334	12/1/2014	\$225.00	FW238723	00001	GASB	GASB Subscription
1015	2000	2251	0001629466/131559	52 G-385046	8/29/2014	\$1,994.25	F5311501	01271	CCH Inc	Check Cancelled Wrong Vendor#
1000	2000	2102	4801322908/4001035600	52 G-388444	9/10/2014	\$325.45	FW238714	01271	CCH Inc	GAAP 2015 Guide
1015	2000	2102	4801322908/4001035600	52 G-388444	9/10/2014	\$325.45	FW238714	01271	CCH Inc	GAAP 2015 Guide
1018	2000	2150	TICKET 779123	52 G-380268	8/13/2014	\$30.43		01296	Copper Skillet	Exempt - Human Resources
1000	2000	2310	7/1-7/11/14 CY B DRAPER	52 G-373802	7/23/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	7/14-7/25/14 B DRAPER	52 G-376453	7/31/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	7/28-8/8/14 B DRAPER	52 G-379715	8/12/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	8/11-8/22/14 B DRAPER	52 G-384062	8/27/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	8/25-9/5/14 B DRAPER	52 G-388175	9/10/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	9/8-9/19/14 B DRAPER	52 G-393161	9/25/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	9/22-10/3/14 B DRAPER	52 G-396865	10/8/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	10/6-10/17/14 B DRAPER	52 G-402585	10/24/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	10/20-10/31/14 B DRAPER	52 G-406714	11/6/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	11/3-11/14/14 B DRAPER	52 G-410161	11/18/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2303	REG E VERIGIN 11/4-11/7	52 G-400137	10/16/2014	\$325.00	FW238719	02459	Draper, Brett	Exempt - Registration
1000	2000	2303	REG B CAMPBELL 11/4-11/7	52 G-400137	10/16/2014	\$325.00	FW238719	02459	Draper, Brett	Exempt - Registration
1000	2000	2132	501753/CCCACD	52 G-402595	10/24/2014	\$3,633.82	F5388801	03147	R-Computer	APC, Systems
1010	2000	2316	SINV1500068 BOTTOMLINE C	52 G-380302	8/13/2014	\$1,940.28	F5098801	05483	Bottom Line	Exempt-DOIT
1010	2000	2270	MINV1500430 TROY 601 NBD	52 G-392239	9/23/2014	\$298.00	F5299001	05483	Bottom Line	Exempt-DOIT
1000	2000	2102	1003616 RENEWAL	52 G-389946	9/12/2014	\$429.00	FW238715	05605	Thompson Publ	FLS Handbook
1000	2000	2467	REG#6798 R CAMPBELL	52 G-410837	11/18/2014	\$99.00	FW238722	05831	ALGA	Exempt - Registration

10C 10.12.15  
Attachment 5

Amendment Reporting Page

(CCTV) p.1

Select Department Select Period	Programs		Name of Vendor/Contractor/Consultant	Type of Contract	Term of Current Contract			Date of Initial Contract
	SBE	Outreach			1 Yr	2 Yrs	3 Yrs+	
1		x	Team People (staffing firm)	Standard S-1			x	4/1/14
2								
3								
4								
5								
6								
7								
8								
9								
10								
TOTALS:	0	1			0	0	1	

TOTAL AMENDMENTS: 1



10-10-12-15

# Attachment G

Renewal Reporting Page

EHSD-2014

Employment & Human Resources	Programs		Name of Vendor/Contractor/Consultant	Type of Contract	Term of Current Contract			Date of Initial Contract	Expiration Date of Existing Contract	Date of Last Solicitation/Outreach	Number of Renewals Including Current Vendor/Contractor/Consultant	Expiration Date
	SBE	Outreach			1 Yr	2 Yrs	3 Yrs+					
1		X	Nulinx	Head Start Services	X			CSB contact	30-Apr-15	None	6	CSB Sole S
2	X		Carmazzi, Inc	CALWIN Services	X			1-Mar-12	28-Feb-15	1-Jan-12	3	Cost effectiv
3	X		Robert Lane	Consultant	X			1-Jan-13	31-Dec-14	1-Dec-12	1	Cost Effectiv
4	X		Mark Lane & Associates	Grievance Hearings	X			1-Jul-10	6/30/20115	1-May-10	3	Specialized
5	X	X	Maxwell & Associates	Investigation Services	X			1-Jul-10	30-Jun-14	1-May-10	3	Cost Effectiv
6	X		Pro-Serv	Legal Notice Ser	X			1-Feb-07	31-Mar-15	1-Feb-09	6	Interdepartm
7	X	X	Edward Solomon	Enterprise Zone	X			31-Dec-11	30-Jun-15	1-Nov-11	3	Program Exj
8	X	X	Titi Ikhile	SBDC Advisor	X			1-Feb-13	31-Dec-14	1-Feb-13	1	Ongoing Pro
9	X		Hi-Life Janitorial	SBDC advisor	X			1-Jan-13	31-Dec-14	1-Feb-13	1	Ongoing Pro
10	X		Cindy Turner	SBDC Advisor	X			1-Jan-13	31-Dec-14	1-Feb-13	1	Ongoing Pro
11	X	X	Sandra Markus	SBDC Advisor	X			1-Jan-13	31-Dec-14	1-Feb-13	1	Ongoing Pro
12	X	X	Bashir Shah	SBDC Advisor	X			1-Jan-13	31-Dec-14	1-Feb-13	1	Ongoing Pro
TOTALS:		11	6		12	0	0				30	

TOTAL RENEWALS: 12

10C-10-12-15

Contra Costa County  
Outreach Report Summary

Attachment 7

DEPARTMENT: EHSD

CALENDAR YEAR:

REPORT PERIOD: Jan-Jun

Is This Your Draft or Final?

Department Contact: Elaine Burres

Final

Date Report Completed: 23-Oct-14



Categories	Number of Contracts or Transactions <sup>2</sup>	Dollar Amount of All Contract/Transaction <sup>3</sup>	Total Number of Business Contacts <sup>4</sup>	Distribution of Business Contacts By Category <sup>5</sup>						
				#MBEs	#WBEs	# County & State Certified SBEs	#LBEs	#DVBES	#DBEs (Optional)	#Federal SBEs (Optional)
Professional/Personal Services	13	\$437,700.00	13	5	7	12	5	1	0	0
Construction										
JOC (General Services Only)										
Commodities (General Svs Only) <sup>6</sup>										
Commodities (Departments Only) <sup>7</sup>										

## Notes:

1. Enter report data in the fields that are highlighted in blue.
2. Enter the number of all contracts/transactions within program thresholds during this reporting period.
3. Enter the dollar amount of all contracts/transactions within program thresholds during this reporting period.
4. Enter the total number of business contacts during this reporting period (ie., the number of *individual* businesses contacted).
5. Of the total businesses contacted, indicate the number that were MBEs, WBEs, SBEs, LBEs, DVBES or DBEs. A business may be counted in more than one category, if applicable.
6. For commodity contracts over \$10,000--For use by Purchasing/General Services Department only.
7. For commodity contracts under \$10,000--For use by Departments other than Purchasing/General Services. Outreach is optional (not required); however Departments that outreach should complete this section.

This report is due to both AAO & Purchasing Division no more than 10 business days following the last day of the reporting period (June 30th or December 31st).

Please email to [nbodw@cao.cccounty.us](mailto:nbodw@cao.cccounty.us) & [Kberenson@gsd.cccounty.us](mailto:Kberenson@gsd.cccounty.us).

For technical questions, please call Nina Bodway at 335-1006.