



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: March 10, 2015

Subject: Allocation of Park Dedication Funds to Pay for Environmental Testing of Properties along the Iron Horse Trail

RECOMMENDATION(S):

1. AUTHORIZE the Auditor-Controller to transfer \$40,000 from Park Dedication Fund Account 8136 37350 3240 to the Contra Costa County Public Works Department to pay for costs associated with conducting environmental testing and preparing a remediation plan with a cost estimate for County Successor Agency-owned properties along the Iron Horse Trail within District IV; and

2. APPROVE Appropriations and Revenue Adjustment No. 5046 authorizing new revenue in the amount of \$40,000 from Park Dedication Funds and appropriating it to the Contra Costa County Public Works Department to finance costs associated with conducting environmental testing and preparing a remediation plan for County Successor Agency-owned properties along the Iron Horse Trail within District IV.

FISCAL IMPACT:

No General Funds are involved. Park Dedication Funds that have accumulated in the Contra Costa Centre census tract will be used to pay for the testing and preparation of a remediation plan and cost estimate. (100% Park Dedication Funds)

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/10/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Federal D. Glover, District V
Supervisor

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

ATTESTED: March 10, 2015

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

By: Stacey M. Boyd, Deputy

Contact: Bob Calkins
(925)674-7877

cc:

BACKGROUND:

The Contra Costa County Successor Agency owns an agglomeration of 13 parcels of various sizes associated with the Iron Horse Trail that were formerly part of the abandoned Southern Pacific Railroad San Ramon Valley Branch Line right-of-way (Iron Horse Trail Parcels). When the railroad right-of-way was abandoned, a public walkway

BACKGROUND: (CONT'D)

was created in its place. The 13 parcels are located in the cities of Concord, Walnut Creek, Pleasant Hill and in unincorporated Contra Costa County. Segments of the railroad right-of-way have been found to contain arsenic and ground water contamination.

Park dedication funds, derived from a census tract in the vicinity of the subject properties, in the amount of \$40,000 is requested to conduct the environmental testing and the development of the remediation plan with a cost estimate. Once the extent of remediation is known, the Successor Agency can determine if it is appropriate to modify the Long Range Property Management Plan or to contest the Department of Finance determination that remediation costs should not be included. This funding request was considered by the Contra Costa Centre Municipal Advisory Committee (MAC) on January 20, 2015. The MAC was unable to come to a decision on the request for use of the park dedication funds - MAC members voted 3-3 to approve the funding request.

The Successor Agency requested, under the Recognized Obligation Payment Schedule for the period of January 1, 2014 through June 30, 2014, a distribution of tax increment to pay for the costs of additional environmental testing of Iron Horse Trail Parcels and planned to request additional funds to pay costs of any necessary environmental remediation, as necessary. The Department of Finance has denied this request and also rejected the Long Range Property Management Plan that conditioned the County's acceptance of the Iron Horse Trail Parcels on the identification and remediation of any and all hazardous materials.

In an effort to quantify the County's potential liability in accepting the property, staff is looking to identify other funding sources to cover the cost of the environmental testing of the properties. Once remediation program is developed and a cost estimate provided, the Successor Agency and County can make an informed decision on moving forward.

It is the policy of the County to utilize park dedication funds to meet local park needs. The use of park dedication funds to finance the cost of conducting environmental testing and preparing a remediation plan with a cost estimate is consistent with that policy.

CONSEQUENCE OF NEGATIVE ACTION:

Not providing park dedication funds to pay the costs associated with testing the soil and preparing a remediation plan would mean that the extent of the contamination and remediation costs would not be known prior to the Successor Agency transferring the property to the County.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Approp Adj 5046 Park Dedication Funds for Iron Horse Trail