



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: August 18, 2015

Subject: Keller Canyon Mitigation Fund FY 2015/16 Allocation Plan

RECOMMENDATION(S):

1. APPROVE the FY 2015/16 Keller Canyon Mitigation Fund (KCMF) allocation plan in the amount of \$1,394,702 for specified projects as recommended by the KCMF Review Committee (Exhibit A); and

2. AUTHORIZE the Department of Conservation and Development (DCD) Director, or designee, to enter into contracts with the nonprofit organizations and public agencies as specified in Exhibit A for the period July 1, 2015 through June 30, 2016.

FISCAL IMPACT:

No General Funds - 100% Keller Canyon Landfill Mitigation Funds. The FY 2015/16 KCMF allocation plan is consistent with the KCMF policies adopted by the Board of Supervisors on May 24, 2011 including: (1) the projected FY 2015/16 revenue amount is based on the revenue trend over the last several years; (2) staff has considered any anticipated changes in the amount of waste expected to be deposited at the Keller landfill site during the year; (3) the projected revenue amount has been reduced by 20 percent to reduce the likelihood that proposed expenditures will exceed actual revenue. The amount proposed to be allocated includes \$514,702 of previous years' fund balance, which is also consistent with KCMF policies (Policy IIG).

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **08/18/2015** ☒ 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: August 18, 2015

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

By: Stephanie L. Mello, Deputy

Contact: Kristen Lackey (925)
674-7888

cc:

BACKGROUND:

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

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

On May 24, 2011, the Board approved new policies governing the implementation and administration of the KCMF. The FY 2015/16 allocation process is the fourth year that the new policies governed the process. Listed below are the applicable policies and a description of how they were applied during the FY 2015/16 allocation process:

1. Policy IA: The composition of the KCMF Review Committee shall include the following individuals: District V Supervisor, District V Chief of Staff (or other person assigned by the Supervisor), a representative of the Bay Point Municipal Advisory Committee (MAC) appointed by the Bay Point MAC, a Principal (or other senior school official) from a school located in the Bay Point area, and a representative from the Bay Point Chamber of Commerce. The representatives from the MAC, Bay Point area school, and Chamber of Commerce shall be appointed to minimum two year terms.

Action: The KCMF Review Committee was comprised of the District V Chief of Staff, David E. Fraser; Bay Point Municipal Advisory Committee Member, Vicki Zumwalt; Mount Diablo Unified School District Board Member, Debra Mason, and Bay Point Chamber of Commerce Representative, Shah Khurram. District V Supervisor, Federal Glover did not actively participate in this year's Review Committee meetings. However, he was briefed regularly by the Chief of Staff and supports the recommendations made by the Committee.

2. Policy ID: The KCMF Review Committee's funding recommendations shall be guided by the KCMF Target Area Map that establishes "Primary" and "Secondary" target areas for the use of KCMF funds. One hundred percent of KCMF funds shall be used for programs/projects/services directly serving those within the "Primary" and Secondary" target areas. In addition, no less than 70 percent of the KCMF funds shall be used to fund programs/projects/services directly serving those in the "Primary" target area.

Action: The KCMF Review Committee's proposed FY 2015/16 funding

recommendations result in 78 percent of the funds being used for programs/projects/services that will directly serve those residents in the "Primary" target area and the remainder is within the "Secondary" target area.

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

Action: See Exhibits A and B.

4. Policy IIA: To increase the public's knowledge on how, where, and when to apply for KCMF funding, the funding timeline, request for proposal (KCMF application), and other applicable materials shall be placed on the District V and County websites. The websites shall also allow organizations and interested persons to add their contact information to ensure notification on matters related to KCMF.

Action: The Supervisor's office and DCD staff engaged in a comprehensive outreach effort to notify the public of the availability of funds. In addition to posting the Request for Proposals (RFP) and application on the District V and County's websites, emails announcing the RFP were also sent to DCD's email notification list used for its CDBG program, and to previous KCMF applicants. In addition, a "Bidders Conference" was held on April 30, 2015 to inform potential applicants of the application requirements, process, and timeline. KCMF applications were due on May 22, 2015. A total of 116 applications and requests for funding were submitted by the deadline. The KCMF Review Committee met on five separate occasions to review the applications, interview applicants, and develop final funding recommendations.

5. Policy IIC: To ensure the tax exempt status of a nonprofit agency requesting funds is valid and in good standing, KCMF applicants shall submit their current non-profit status determination letter from the IRS, a copy of their most recent tax return, and the printout from the California Business Portal (<http://kepler.sos.ca.gov/>).

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

6. Policy IIF: Any deficit in the KCMF fund after the end of each fiscal year shall be eliminated by allocating the necessary amount from next year's projected revenue.

Action: Not applicable. The KCMF had a FY 2013/14 ending fund balance of \$378,892.

7. Policy IIG: When estimating the amount of KCMF funds to be made available for projects in future fiscal years, staff shall analyze the revenue trend lines from previous

years and the KCMF Review Committee shall only allocate 80 percent of the anticipated revenue for the upcoming year. This protocol will reduce the likelihood that expenses will be greater than actual revenue received during the year. Any revenue over expenses in one year may be added to the amount made available in the following year.

Action: Based on the current information available, staff is using the same revenue estimate as used the last two years - \$1,100,000 even though the total revenue received in FY 2014/15 is approximately \$275,000 over the estimate. The below table shows how the amount available to allocate in FY 2015/16 was determined:

FY 2014/15 Revenue/Expenses	
FY 2014/15 Actual Revenue	\$1,375,602
FY 2013/14 Ending Fund Balance	<u>378,892</u>
Total Available (a)	\$1,754,494
FY 2014/15 Actual Expenses	\$1,153,360
FY 2014/15 Accrued Expenses	<u>12,548</u>
Total Expenses (b)	\$1,165,908
FY 2014/15 Ending Fund Balance (a-b)	\$588,586
FY 2015/16 Projected Revenue/Expenses	
FY 2015/16 Projected Revenue	\$1,100,000
Less 20% (per KCMF Policy II.G)	<u>(220,000)</u>
Subtotal	\$880,000
FY 2014/15 Ending Fund Balance	<u>588,586</u>
Total Available to Allocate (c)	\$1,468,586
FY 2015/16 Proposed Allocation (d)	\$1,394,702
FY 2015/16 Unallocated Funds (c-d)	\$73,884

The KCMF Review Committee has recommended not allocating all of the FY 2014/15 ending fund balance at this time, and is holding \$73,884 in reserves. If during the year, one or more of the funded agencies is in need of additional funds to complete and approved program/project or a new program/project emerges, the Committee will reconvene to consider any request(s) for additional funding up to the amount held in reserve and return to the Board with any funding recommendation(s).

CONSEQUENCE OF NEGATIVE ACTION:

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

CHILDREN'S IMPACT STATEMENT:

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

ATTACHMENTS

Exhibit A FY 2015/16 Allocation Plan

Exhibit B FY 2015/16 Recommendation Summary