



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: July 30, 2019

Subject: Keller Canyon Mitigation Fund FY 2019/20 Allocation Plan

RECOMMENDATION(S):

1. APPROVE the FY 2019/20 Keller Canyon Mitigation Fund (KCMF) allocation plan in the amount of \$1,059,523 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, 2019 through June 30, 2020.

FISCAL IMPACT:

No General Funds - 100% Keller Canyon Landfill Mitigation Funds. The FY 2019/20 KCMF allocation plan is consistent with the KCMF policies adopted by the Board of Supervisors on May 24, 2011, including: (1) the projected FY 2019/20 revenue amount is based on the revenue trend over the last ten 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 minimize the likelihood that proposed expenditures will exceed actual revenue. The amount proposed to be allocated includes \$181,082 of the previous years' fund balance, which is also consistent

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☒ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **07/30/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: July 30, 2019

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

By: Laura Cassell, Deputy

Contact: Daniel Davis (925)
674-7886

cc:

with KCMF policies (Policy IIG).

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 Department of Conservation and Development is the fiscal and contract manager for the fund. The FY 2019/20 allocation process is the eighth year that the new policies have governed the process. Listed below are the applicable policies and a description of how they were applied during the FY 2019/20 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 composed by the District V Supervisor, Federal Glover; Chief of Staff, David E. Fraser; Mount Diablo Unified School District Board Member, Debra Mason; Bay Point Municipal Advisory Committee Member, Marcia Lessley; and Bay Point Chamber of Commerce Representative, Khurram Shah. It should be noted that Debra Mason is also a member of the MAC.

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 2019/20 funding recommendations result in 70 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 IE: Funding recommendations from the KCMF Review Committee shall be presented at a Board of Supervisors regularly scheduled meeting. The Board Order will list all of the applicants, the amount of funding requested, the amount recommended, and a short description of the proposed program/project and the proposed outputs and/or outcomes.

Action: See Exhibit A.

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 the KCMF interested parties list and to previous KCMF applicants. In addition, a "Bidders Conference" was held on April 18, 2019, to inform potential applicants of the application requirements, process, and timeline. KCMF applications were due on May 17, 2019. A total of 112 applications and requests for funding were submitted by the deadline. The KCMF Review Committee met on 5 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.

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 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 has a projected FY 2018/19 ending fund balance of \$181,082. See Exhibit B, Available Allocation Calculation.

7. Policy II G: When estimating the amount of KCMF funds to be made available for projects in future fiscal years, staff shall analyze the revenue trend lines from previous years and the KCMF Review Committee shall only allocate 80 percent of the anticipated revenue for the upcoming year. This protocol will reduce the likelihood that expenses will be greater than actual revenue received during the year. Any revenue in excess of expenses in one year may be added to the amount made available in the following year.

On July 10, 2018, the Board approved a one-time allocation of \$150,000 in Keller Canyon mitigation funds to facilitate the hiring of a consultant with expertise in radiologic health to investigate concerns about soil sent to the landfill from the Hunters Point Naval Shipyard. This allotment reduced the availability of funds for the KCMF FY 2018/19 allocation. A consultant was found, and on September 25, 2018, the Board approved the execution of a service contract not to exceed \$75,000. Thus, the unused \$75,000 will be credited back to the Keller Canyon mitigation fund, and attributed to the total available KCMF FY 2019/20 allocation.

Action: Based on the current information available, the Committee is recommending the allocation of \$1,059,523. See Exhibit B for the calculation. The KCMF Review Committee has recommended allocating the FY 2018/19 ending fund balance. If during the year, additional funds become available, and one or more of the funded agencies is in need of additional funds to complete an 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

KCMF FY2019-20 Allocations (Exhibit A)

KCMF Allocation Calculations (Exhibit B)