



Contra
Costa
County

To: Board of Supervisors
From: Monica Nino, County Administrator
Date: March 30, 2021

Subject: Federal Community Project Funding Requests

RECOMMENDATION(S):

1. CONSIDER the projects nominated by County department staff for submittal to the County's congressional delegation for member-designated community project funding for federal FY 2022 and specify Board prioritization of the projects.
2. AUTHORIZE the County Administrator, or designee, to submit specified FY 2022 community project funding requests to the County's congressional delegation for submission to the Appropriations Committees in the House of Representatives and the Senate.
3. AUTHORIZE the County Administrator, or designee, to submit specified projects requests to the County's congressional member on the House Committee on Transportation and Infrastructure for the reauthorization of the Surface Transportation bill.
4. AUTHORIZE the Chair of the Board to sign letters of support for the projects submitted by Contra Costa County to members of our congressional delegation.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/30/2021** ☒ 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: March 30, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: L. DeLaney,
925-655-2057

cc:

FISCAL IMPACT:

There is an unknown potential federal revenue increase from the selection of a Contra Costa County project for "Community Project Funding." Local matching funds may be required.

BACKGROUND:

Community Project Funding in Appropriations Committees

While County staff and our federal advocates from Alcalde & Fay were seeing reports last fall about the potential return of "earmarks" in the federal budget process, it wasn't until mid-February that the possibility became more plausible, with the announcement from the House and Senate Appropriations chairs that a reformed process to ensure greater transparency and accountability was underway for "community projects." A press release from the House Appropriations Committee Chair Rosa DeLauro on Feb. 26, 2021 made the opportunity official: the House would accept Member requests for "Community Project Funding, with [reforms](#) enacted to ensure the funding is dedicated to genuine need and not subject to abuse. Earmarks, also known as "member-directed spending," were ended when Republicans took control of the House in 2011 following years of controversy; the Senate followed suit. However, banning the practice stripped congressional leaders of a powerful tool to respond to the community needs of a state or congressional district, and local jurisdictions lost a mechanism of federal funding for our local needs.

On March 12, 2021, County staff received [guidance documents](#) from the House Committee on Appropriations for "**Community Project Funding**" requests. The guidance documents indicated that Members of Congress would be required to submit their requests to the Committee by either April 14, 15 or 16 (depending on the appropriations bill the request would be submitted for). Members of Congress are limited to submitting only 10 Community Project Funding proposals (across all Appropriation bills) for their district, with no guarantee that they will be funded. Subsequent to that guidance, County staff began receiving solicitation documents from our members of Congress. (*See Attachment A from Congressman Thompson.*) The deadlines established by the Congress Members were, by necessity, earlier than the mid-April deadline established by the Appropriation Committee. Deadlines have been established as early as April 2, 2021. (We have not, as yet, received solicitation documents from our Senators Feinstein and Padilla.)

Given the compressed schedule for responding to the solicitation, staff across all Departments have been notified of these opportunities, consulted with our federal lobbyists, and have submitted to the CAO's office project proposals for the Board's consideration. The Appropriations Committee is requiring a letter or resolution of support from the Board of Supervisors. We have also been advised that requests will be given priority that have the following features:

- Funding from other sources such as state, local, or non-governmental organizations; and
- The requested amount can complete the project.

The "General Community Funded Project Guidance from the Appropriations Committee" provided by Congressman Thompson also provided the following information:

Matching Requirements: Several Federal programs eligible for Community Project Funding requests require a State or local match for projects either by statute or according to longstanding policy. The Committee will not waive these matching requirements for Community Project Funding requests. Note: This does not mean that matching funds must be in-hand prior to requesting a project, but that local officials must have a plan to meet such requirements in order for such a project to be viable.

One-year funding: Each project request must be for fiscal year 2022 funds only and cannot include a request for multiyear funding.

Transparency: Certain information about project requests submitted by Members to the Appropriations Committees will be made public. This includes: the proposed recipient; the address of the recipient; the amount of the request; and an explanation of the request, including purpose, and a justification for why it is an appropriate use of taxpayer funds.

Community Support: Community engagement and support is crucial in determining which projects will be ultimately selected for Federal funding. Only projects with demonstrated community support will be considered by the Appropriations Committee. The Appropriations Committee encourages project sponsors to include evidence of support for proposals including:

- Letters of support from elected community leaders;
- Press articles highlighting the need for the requested Community Project Funding;
- Support from newspaper editorial boards;
- Projects listed on State intended use plans, community development plans, or other publicly available planning documents; or
- Resolutions passed by city councils or boards.

Although County staff did not receive specific forms to fill out, as was the practice a decade ago, there have been questions posed in the guidance documents that Congress Members would be required to submit for their project submittals. These questions include:

1. **Requesting Entity (Legal Title)**
2. **Full Address**
3. **Requesting Entity Staff Contact Info: Name/Title/Phone/Email**
4. **Project Name**
5. **Funding Amount Requested**
6. **Total Cost of Project and breakdown of funding sources (detail all local, state and/or private funds. Are these funds secured, expected, or you are still**

seeking?)

7. **Description of Project**
8. **Project Justification (Need for the project)**
9. **Justification for why the project is an appropriate use of taxpayer funds and is a public benefit**
10. **If you are a public entity, is the project on your Capital Improvement Program? (Please provide documentation or explain why not)**
11. **Upload Capital Improvement Program documentation**
12. **Explanation of how the federal funds will be spent (for example, on equipment, construction, labor, etc.)**
13. **Cities in which the project is located and will be performed**
14. **Appropriations Bill for the Request**
15. **Federal Agency for the Request**
16. **Account for the Request**
17. **Are you submitting this request to another Member of Congress? If so, who?**
18. **Upload letter of support or resolution of support from local elected leaders of your government entity (or entities) in your region**
19. **Upload other helpful documents (e.g., press articles about the project, documentation that the project is listed on community development plans or regional plans, etc.)**

The projects that have been put forth by County staff for consideration and prioritization by the Board of Supervisors are described in *Attachment B*.

Member Designated Projects for the Committee on Transportation and Infrastructure

While staff and advocates were awaiting formal notification from the Appropriations Committees, on March 3, 2021, the Chair of the House Committee on Transportation and Infrastructure and the Chair of the Subcommittee on Highways and Transit announced the Committee would provide Members of Congress the opportunity to submit requests for highway and transit project designations through the surface transportation reauthorization bill. The new submission process allows more direct Member engagement on infrastructure projects that will advance the goals of the legislation, which include building a safer transportation network, increasing access, strengthening our multi-modal transportation systems, reducing carbon pollution, enhancing environmental justice, supporting underserved communities, and improving the state of repair of the nation's infrastructure. Member submissions must be received by the Transportation and Infrastructure Committee by 6:00 p.m. EDT on Friday, April 16, 2021. The Committee is not limiting the number of projects a Member can request. However, Members will be asked to rank their top five project priorities.

County Public Works staff have been developing Contra Costa County's requests for these earmarks as well and reaching out to Caltrans for letters of support. See *Attachment*

C for their list of nominated projects. Criteria for inclusion by staff included projects that would achieve the goals of the legislation, were far enough along in the planning and coordination process to advance if funding were allocated, had demonstrated community and leadership support, would be geographically and equitably distributed, and met a critical need.

Projects that were considered but not advanced for nomination because of insufficient readiness included:

Boulevard Way Pedestrian Improvements - Project will provide an active transportation option for students who currently have safety barriers on their current route to school.
Iron Horse Trail Bike Express Corridor - Maximize the Iron Horse Corridor for active transportation that includes commute to separate users by speed. Improvements will extend 22 miles from north terminus to the County boundary
Kirker Pass Road Southbound Truck Climbing Lane - Construct a truck climbing lane in the southbound direction from Pittsburg to Concord. Separating slow moving truck traffic from the passenger vehicles will improve safety to address the high fatality rate on this regional route.
Olympic Boulevard Trail Connection - Construct a multi use trail to connect between the regional Iron Horse Trail and Lamorinda Trail to complete the walking and biking network throughout Central Contra Costa.
Pacheco Boulevard Corridor Improvements - Construct Complete Street improvements throughout the Pacheco Boulevard Corridor in partnership with the City of Martinez
Countywide Surface Treatment 2022-2024 –Accelerate maintenance backlog with surface treatments countywide

CONSEQUENCE OF NEGATIVE ACTION:

If the County does not submit project requests for federal FY 2022, the County will not avail itself of the opportunity to receive federal funding to support its identified community needs.

CLERK'S ADDENDUM

ADOPTED the recommendations and DIRECTED staff to work with our Congressional delegates to further refine and determine what projects are most appropriate to submit and discuss the need for funding for economic development planning funding.

ATTACHMENTS

Attachment A: Congressman Thompson Solicitation Letter

Attachment B: Community Project Funding Requests

Attachment C: Public Works Submittal