

**North Richmond Waste & Recovery Mitigation Fee
Joint Expenditure Planning Committee
Meeting Minutes**

Wednesday, August 5, 2009

1:00 pm – 3:00 pm

Richmond City Hall

440 Civic Center Plaza

Richmond, CA 94804

Members in Attendance:

Richmond City Councilmember Nathaniel Bates, **Chair**

Contra Costa County Supervisor John Gioia (*portion*)

Unincorporated Area Representative Dr. Henry Clark

Richmond City Councilmember Alternate Mayor Gayle McLaughlin

County Supervisor Alternate Luz Gomez (*portion*)

Incorporated Area Representative Alternate Johnny White (*portion*)

Unincorporated Area Representative Alternate Maricela Navarro

Members Absent:

Richmond City Councilmember Maria Viramontes

Unincorporated Area Representative Joe Wallace

1. Welcome and Introductions

2. Public Comment

There was no public comment.

3. Review and Approve July 8, 2009 Meeting Minutes

Committee member Clark made a motion to amend the meeting minutes of the May 6th 2009 Committee meeting, based upon a written statement distributed by Committee member Clark which was signed by former Committee member Lee Jones. The written statement is included with this document. *The motion to amend the May 6, 2009 meeting minutes was approved unanimously.*

Minutes for the July 8th 2009 meeting were approved unanimously.

4. Provide direction to staff regarding the development of the 2010-2011 Expenditure Plan and set a Special Meeting date in September to consider initial funding recommendations

The Committee received a presentation by staff highlighting key elements presented in the staff report. Staff gave an overview of the proposed schedule for further development of the 2010-2011 Expenditure Plan outlining the remaining months in the current calendar year and further development that will still be needed in 2010. Staff proposed to use a phased approach to developing the 2010/2011 Expenditure Plan to provide the most efficient and cost effective means of

maintaining any ongoing strategies while still providing the Committee with maximum flexibility. The first phase would occur in *late 2009* involving the development of an initial 2010-2011 Expenditure Plan budget that would not include any funding received in 2008-2009. These initial funding allocations would reflect a budget that only includes the amount of Mitigation Fee funding expected to be received in 2010-2011 based upon Republic Services' tonnage projections (currently estimated to be a total of \$1,177,611.10 for 2010/2011). Priority funding allocations to be addressed in the first phase would be existing strategies which are intended to be continued into 2010 without interruption, such as dedicated staff positions. The projected revenue for the next two year period is lower than projected or actual revenue in 2008-2009.

The second phase would occur in early to mid-2010 involving the allocation of any of the funding that may remain from the 2008-2009 Expenditure Plan which would supplement the initial budget established for the 2010-2011 Expenditure Plan. Staff explained that we will not know until the end of the year how similar the 2008-2009 actual revenue will compare to the projected revenue. Committee member Clark asked a point of clarification as to when the unexpended funding for 2008/2009 would be included in the 2010/2011 Expenditure Plan. Staff explained that the remaining 2008/2009 funding will not be fully known until early 2010, therefore Staff expected to present information to the Committee for consideration by the Spring of 2010.

Committee member Clark asked to have a presentation made to the Committee regarding a potential new strategy for the 2010/2011 Expenditure Plan. Bobby Bowens, the Executive Director of Community Health Empowerment, addressed the Committee regarding the disposal of syringes in Contra Costa County and North Richmond. Mr. Bowens handed out packets to the Committee and then outlined his organization. Mr. Bowens organization was founded in 1995 with a syringe exchange site in the Iron Triangle Area of Richmond, and has since grown to four sites located in North Richmond, Central Richmond, Pittsburg, and Bay Point. Mr. Bowens presented a proposed budget to the Committee for potential funding in the amount of \$125,000. Committee Chair Bates thanked Mr. Bowens for his presentation and then stated that this is a health problem and may need to be deferred to Legal Counsel opinion prior to any further consideration. Committee member Clark expressed that in his opinion contaminated needles and their placement in the trash is a problem that would be appropriate to help fund using Mitigation Fee revenue. Committee member McLaughlin suggested that staff review the proposal and possibly suggest potential modifications to specific program elements that may help better connect the project to the intended use of this Mitigation Fee funding.

Committee member McLaughlin asked if there where going to be any strategies being proposed to be removed. Staff pointed out that an initial listing of potential strategies that may not be recommended for funding were identified in the staff report due to either being one-time projects or found to be infeasible to implement/continue.

Committee member Bastes asked if additional dollars was needed to increase nighttime enforcement. Deputy Varady addressed the Committee and said that they were patrolling until about midnight using flex time, etc. on target days. Committee Member Bates asked for copies of the reports that the officers submit. Staff said they can provide those to the Committee. Committee Member Gioia commented that there is a condition in the Use Permit that requires the RSS crew to be out on the streets of North Richmond 40 hours per week and that if the Deputies could keep an eye out for them and if they don't see them, that a call to RSS would go a long way. Deputy Varady stated that he works from 7:00 am – 5:00 pm and that he usually sees them several times per day and that when he calls them to pick-up material with no ID or address that they usually arrive within 10 minutes to remove it. Committee Member Clark asked if staff anticipated asking for any more funding for law enforcement strategies (investigation/officer or patrols) in the 2010/2011 Expenditure Plan. Committee Member Gioia commented that it is not expected to be necessary because the current approach of combining funding from multiple sources has proven adequate. Committee Member Gioia also requested a report from the District Attorney on Mitigation-related cases.

5. Receive report about enforcement activities conducted by staff dedicated to the North Richmond Mitigation Funding Area

Staff presented the staff report to the Committee outlining the activities conducted by staff dedicated to the North Richmond Funding Area. Conrad Fromme, the dedicated North Richmond Code Enforcement Officer was on hand at the meeting to answer questions as requested at the July 8, 2009 Committee meeting. The Committee also requested that a Code Enforcement monthly report be included at the next Committee meeting.

As of July 1, 2009 Mr. Fromme had 55 active cases and closed 37 cases during the month of June. During the 18 – months of the current 2008 / 2009 Expenditure Plan cycle, he opened a total of 326 cases and closed 261 cases, with an average case load of about 60 cases.

Sheriff Deputy Felipe Monroe served as the Illegal Dumping Investigator/Officer from April 30, 2007 to April 23, 2009. Although Deputy Monroe is no longer working as the dedicated Illegal Dumping Officer in North Richmond, the Sheriff's Office has employed a new Resident Deputy Team approach in North Richmond consisting of three pairs of deputies assigned to one of three shifts effective April 27, 2009. All 6 deputies will have the same overall "Roles & Responsibilities" which include combating illegal dumping and other crimes, as well as routine patrols and community involvement/assistance. There are now two Resident Deputies assigned to the day shift that routinely patrol the entire North Richmond Mitigation Funding Area as well as periodically conduct investigations and surveillance to address illegal dumping. Between April 2007 to April 2009, Deputy Monroe issued approximately 226 citations for illegal dumping, no parking / street sweeping, unsecured / uncovered loads, littering, transporting waste tires, as well as other criminal and traffic violations. During the months of May and June 2009, the six North Richmond Deputies issued about 51 citations for these same types of

violations. The six deputies also had 26 vehicles towed because they were illegally parked, unregistered, in disrepair or for other violations.

Deputies have found that issuing verbal warnings can be effective in establishing accountability for those illegally dumping on the streets. Deputies instruct persons suspected of dumping to remove and properly dispose of the debris within a specified timeframe in order to avoid receiving a citation. In most cases the illegally dumped material is removed accordingly by those alleged to be responsible.

Committee Member Clark stated that he drives and see illegal dumping all over, he continued on stating that he wants a report on the cameras and that new cameras are needed at the end of Battery Street and the End of Grove. Committee Member Gioia asked for the annual cost of running the cameras. Based on current information, Staff responded that the on-going cost is minimal if any at all. Richmond Police Department staff currently monitors the North Richmond cameras at no direct cost to the North Richmond Mitigation Fund. The cost to purchase a new camera can range between \$6,000 and \$8,000 per camera and a cost of \$10,000 to \$30,000 to move a camera. Staff stated that this range was based on whether the camera would be moved within the mesh network area already established. Richmond Police Department staff will report back at the next Committee meeting about the North Richmond camera project and other related issues.

6. Consider report regarding alternative approaches and establish subcommittee to explore issues and provide input regarding the staffing and oversight of the Community Services Coordinator position

On July 8, 2009, the North Richmond Mitigation Committee held a special meeting to discuss the Community Services Coordinator (CSC) position and associated correspondence received from the Community Housing Development Corporation (CHDC). The Committee received comments from community members, CHDC staff and others regarding issues related to the termination of Saleem Bey who had served as the CSC between May 2008 and May 2009. The Committee voted to recommend that this position no longer be filled through CHDC, requiring a language change to the first bullet under Strategy #4 of the 2008-2009 Expenditure Plan to replace “CHDC” with “a non-profit or public agency” as the entity intended to provide staffing and oversight for the CSC position. This recommended Expenditure Plan language change required approval from both the Richmond City Council (Council) and the County Board of Supervisors (Board). The 3rd Amended 2008-2009 Expenditure Plan was approved by the Council on July 28, 2009 and by the Board on August 4, 2009.

The removal of CHDC as the named entity providing oversight to the CSC has the potential to significantly impact the City’s contract with that entity. Beginning in 2006, the City entered into a contract with CHDC to provide assistance with implementing a variety of somewhat inter-related strategies specified in the 2006-2007 and 2008-2009 Expenditure Plans.

Staff further presented that at the July 8th meeting, CHDC staff reported that a part-time employee had been hired to serve as the CSC on an interim basis. Although the City is not currently holding CHDC responsible for the completion of work assigned to the CSC in the 2008/2009 Expenditure Plan and the City/CHDC contract scope and budget, CHDC has made a considered effort to continue to meet their contractual obligations by expanding the responsibilities of the Bilingual Outreach Coordinator.

Staff concluded with a brief explanation of the alternative approaches to staffing and oversight of the CSC position. The first alternative would be to contract with CHDC to staff and oversee the CSC position to the end of 2009. This alternative would allow the position to continue to be overseen by CHDC through the existing contract between City/CHDC with no disruption in services provided. The second alternative would be to split the duties of the CSC position, resulting in a part-time person working through CHDC and the remainder of the duties being assigned to a Contractor or staff person hired through a different non-profit organization. The third alternative would be to contract with another non-profit agency to staff and oversee the CSC position. A different non-profit organization could fill and oversee the CSC position, subject to the final selection of and approved contract with the City or County (Contracting Agency). The Committee can recommend a specific non-profit that they would like the Contracting Agency to consider for providing oversight for the CSC position. A fourth alternative would allow the City or County to provide oversight for the CSC position. Staff outlined the procurement process and presented issues that should be considered when evaluating this alternative. Staff recommended that the first alternative be selected by the Committee because of the reduction in service disruption through the remainder of the calendar year.

Committee member White asked if the person who held this position will still be out of work until a decision is made by the Committee and the City/County. Staff answered yes to this question. Committee member Clark said that he has talked to Barbara Becnel of Neighborhood House of North Richmond (NHNR) and that they are ready and willing to work with the City to provide oversight for the CSC position and that contract terms need to be negotiated as soon as possible. Committee member Clark stated that the North Richmond Municipal Advisory Committee (NR MAC) recommended that Saleem Bey be hired by the NHNR as the CSC. He also asked if Staff could negotiate with CHDC about changes to their scope of work and enter into a contract with the NHNR in time for the City Council September 8th meeting. City Staff answered that they would do their best but informed the Committee that staff did not have a full month to make the September 8th agenda deadline.

Committee member Bates said that he did not intend to force the non-profit granted this contract to hire a specific person for this position, and that he did not know how other members felt. He also commented that he finds it difficult to have a contract started with stipulations. Committee member Gioia stated that Mitigation Fees are public funds and that he is concerned about the appropriateness and or legality of the direction and processes that Committee member Clark outlined. Committee

member McLaughlin stated we should ask Attorney Scott Dickey, the City's legal counsel, for his input into this decision. Mr. Dickey stated that the Committee can recommend a preferred contractor(s), and agreed with the issue raised by Committee Member Gioia about these being public funds which are subject to the applicable required process and rules of public contracting. Committee Member Clark asked if the City / County had the right to select an organization or individual (exclusively) without considering others via competitive selection process. Mr. Dickey said that the City would need to justify the use of sole-sourcing because either they are the only entity that can perform the function or specify why it is appropriate to treat them as if they are and that the Committee should first consider options to determine whether sole-sourcing is justified and why or how it will work before recommending only one entity to the City. Committee Member Gioia suggested that the CSC position be filled using an open and transparent process similar to the process used by CHDC and that the interview panel should include Committee members or alternates representing the City, County and NR MAC. Director of NHNR Barbara Becnel addressed the Committee and said that they are prepared to collaborate with CHDC about this transition and that she has spoken with them to ensure that the two non-profits are not pitted against another. Ms. Becnel also stated that NHNR is willing to proceed with whichever approach is approved by the Committee.

Saleem Bey asked to address the Committee. Mr. Bey said that all he has heard is talk about more meetings and that there is a need to move forward now.

Committee Member McLaughlin motioned to recommend to the City of Richmond City Council to modify the CHDC contract to remove the CSC position and that Neighborhood House of North Richmond be named the new non-profit to hold the CSC position and that the selection process be similar to what was previously done to hire the CSC with CHDC. Also, the Committee approved the creation and convening of an Ad-Hoc Subcommittee to provide input regarding the staffing and oversight of the CSC position. The vote was unanimous, with an abstention from Alternative Committee member Navarro as she is an employee of Neighborhood House of North Richmond.

7. Adjourn

The Committee adjourned the meeting at 3:15 pm.