

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

Wednesday, July 8, 2009
1:30 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
Unincorporated Area Representative Joe Wallace (*portion*)
Richmond City Councilmember Alternate Mayor Gayle McLaughlin
County Supervisor Alternate Luz Gomez (*portion*)
Incorporated Area Representative Alternate Johnny White
Unincorporated Area Representative Alternate Maricela Navarro (*portion*)

Members Absent:

Richmond City Councilmember Jim Rogers
Incorporated Area Representative Lee Jones, **Vice Chair**
Richmond City Councilmember Maria Viramontes

1. Welcome and Introductions

2. Public Comment

Harold Beaulieu addressed the Committee regarding the Popsicle Project - Safe Routes to School program. Mr. Beaulieu worked with the students at Verde Elementary.

3. Review and Approve May 6, 2009 Meeting Notes/ Minutes

Minutes from the meeting were approved.

4. Consider correspondence from Community Housing Development Corporation of North Richmond's (CHDC) related to the Community Services Coordinator position as it relates to language in Strategy 4 of the 2008 -2009 Second Amended Expenditure Plan and any related potential changes to be recommended to the City/County.

Committee Chair Nathaniel Bates announced that this special meeting was convened at the request of Committee members Jones, Clark and Wallace in order to discuss matters related to the recent Community Services Coordinator (CSC) personnel change. Committee member Clark explained that he and other Committee members representing the MAC asked that this issue be listed on the agenda so that issues could be discussed openly because it is the only way to be

sure to maintain truth and trust. At the last Committee meeting in May, Saleem Bey who was then serving as the Community Services Coordinator presented various items which the Committee supported and therefore community and MAC members were shocked to learn that soon thereafter Mr. Bey had been terminated. Committee member Clark went on to explain that there is a great deal of support for Mr. Bey within the community and that they would like to see him restored to the Community Services Coordinator (CSC) position possibly as an independent contractor with a public entity and/or employed through a local non-profit like the Neighborhood House of North Richmond. Committee Member Wallace stated that he would abstain from vote on this item.

The Community Services Coordinator is a full-time position listed as Strategy 4 in the 2008 – 2009 Second Amended Expenditure Plan which is identified as being funded “through the Community Housing and Development Corporation of North Richmond” (CHDC). Don Gilmore, Executive Director of CHDC was present and addressed the Committee. Mr. Gilmore explained that their organization has been working in and with the North Richmond community for many years and therefore found the current state of affairs related to this personnel issue quite discouraging. He indicated that Mr. Bey had made a presentation to the CHDC Board on June 17th and thereafter was sent a letter in which the CHDC Board notified him of their decision to take no further action related to his termination. Committee member Bates inquired as to the basis for the termination to which Mr. Gilmore replied that he was not at liberty to discuss details related to personnel matters but did acknowledge that the decision was based on more than a single issue/occurrence. Mr. Gilmore also stated that he hired someone on a temporary, part-time basis until this issue was resolved in an effort to fulfill their contractual obligations with the City.

Committee member Clark advised that he had particular concern about rumors that had been circulating in the community which he wanted to have discussed openly. The rumors involved County representatives possibly contacting and/or pressuring CHDC regarding Mr. Bey’s position following attendance at the May Committee meeting. Various community members addressed the Committee to express support for Mr. Bey as well as pose questions and voice concerns related to his termination. Committee member Gioia indicated neither he nor others in his office had any involvement in CHDC’s personnel decision. County staff responded to a question from a member of the community indicating staff had not been in contact with CHDC to request any action be taken with respect to the CSC position. Saleem Bey addressed the Committee to express concerns related to his termination and CHDC’s oversight. He also voiced his commitment and appreciation to the community for the support they have provided. Mr. Bey indicated that without him serving as the CSC the community has really lost the central driving force needed to finish what he started.

Committee staff advised that the Committee does not have the authority to oversee/manage this position but instead could consider recommending change to the Expenditure Plan language which currently names CHDC. However, she noted that doing so would only be considered a recommendation unless and until both the

City and County granted final approval for the amended Expenditure Plan. She also informed the Committee that additional action would be required related to the City's existing contract with CHDC, which includes this position and multiple other Expenditure Plan strategies. Lastly, she advised that the terms of the contract between the City and CHDC likely entitles CHDC to partial payment which would have to be paid using 2008-2009 Expenditure Plan funding.

Committee member Bates made a motion that the portion of the CHDC contract related to the CSC position be terminated and directed staff to work with legal counsel and the committee to identify options/alternatives that could be explored with respect to staffing and oversight of this position. Committee member Clark suggested the motion include that the options to be explored should include potentially staffing position using an independent contractor or contracting through a different non-profit entity. Committee member McLaughlin clarified that the motion should specifically incorporate recommended change in Expenditure Plan language to reflect the position would be funded "through a non-profit or public agency".

All Committee members, except for Committee Member Gioia and Committee Member Wallace (abstained from vote), voted to recommend that the City and County consider approval of an amendment to the 2008/2009 Expenditure Plan to include the proposed language change under Strategy 4.

5. Receive Tonnage and Revenue Projections for 2010 – 2011

Staff said that the 2010-2011 Tonnage and Revenue Projections included in the Committee packet were straight-forward and did not require explanation, but noted that the projected revenue for the next two year period is expected to be significantly lower than projected or actual revenue in 2008-2009.

6. Receive staff report regarding summary of 2008 – 2009 Expenditure Plan costs incurred to date by the City and County

The Committee received a brief presentation by Staff highlighting information provided in the staff report and attached budget table related to the expenditures incurred as of July 1, 2009 under the 2008-2009 Expenditure Plan. Committee staff explained that the estimated amounts shown as remaining does not include any costs for Committee staff which is reconciled near the close of the funding cycle and also does not reflect any third-party costs which have not yet been invoiced to or paid by the City or County. Staff also noted a complete and final summary of actual expenditures for 2008/2009 will not be available until the first quarter of calendar year 2010. Staff recommended that the Committee not include any allocation of funding that was received in 2008/2009 in the allocations to be recommended in the initial 2010/2011 Expenditure Plan and instead wait until actual final costs are known in early 2010 at which time the Committee could develop recommended allocations of unexpended mitigation fees received in 2008/2009 to either add additional funding to existing strategies and/or fund creation of new strategies.

Committee member Clark raised concern about an increase in dumping since Deputy Monroe was reassigned at an old Hot Spot located near the corner of

Battery & Rheem. Committee member Bates noted that the combined amounts budgeted for dedicated law and code enforcement staff represent a significant portion of the overall budget; he requested Committee staff to provide a report at the next meeting regarding actual cases/tickets as well as arrange for the appropriate enforcement staff to attend in case there are questions. Deputy Varady, one of the dedicated officers working in North Richmond, was in attendance and provided a brief verbal report regarding the three active dumping Hot Spots they have been focusing on (Battery/Alamo, Dead end of 6th & border of the Funding Area near East Bay Parks land). The Deputy also indicated that they recently conducted two commercial dumping investigations; they were able to get the suspects to remove the dumped material in one instance and in the other case the suspect had an outstanding warrant and was taken to jail.

7. Provide direction to staff regarding various issues related to the development of the 2010 – 2011 Expenditure Plan

Staff outlined the proposed use of a phased approach to develop the 2010/2011 Expenditure Plan that would ensure that approvals could be obtained in adequate time to ensure any ongoing strategies could be maintained without interruption. Committee staff proposed to formulate initial funding allocations for the 2010/2011 Expenditure Plan using a budget that only includes the amount of mitigation fees projected to be collected in 2010-2011 based upon Republic Services' tonnage projections. Staff also indicated that they plan on developing the next two-year Expenditure Plan without naming specific entities within the strategy language. Not including the names of specific entities within the Expenditure Plan itself provides more flexibility during implementation and minimizes delays that would be required to officially amend language if there was any need to change which entity is named specifically. Furthermore, this approach is much less likely to be inconsistent with the City and County policies and procedures governing procurement and contracting. Lastly, staff highlighted many of the existing strategies that are likely to be recommended for inclusion in the next two-year Expenditure Plan based upon usage, perceived need and/or community input.

Committee member alternate Gomez suggested that staff attend a couple of community meetings to solicit input about the 2010-2011 Expenditure Plan using informal brainstorming type of approach with large pad of paper and pens. Committee member Bates said anyone interested in providing input should be encouraged to attend these Committee meetings, which are noticed in advance and open to the public, so that they can actively participate in the process and be heard by the persons that have been charged with making official recommendations.

Committee member Clark asked staff to find out where the mitigation funding is deposited, whether there is interest being accrued and if so, what happens to that interest so that it can be presented at the next meeting. Committee member Bates indicated that the 2010-2011 Expenditure Plan and budget be discussed at the next meeting, including recommendations regarding Expenditure Plan strategies, report from staff related to effectiveness of existing strategies as well as any suggestions Committee members may have regarding new programs.

8. Adjourn

The Committee adjourned the meeting at 3:40 pm.

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