

**RESOLUTION NO. 97-07**

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA AUTHORIZING THE ANNUAL APPROPRIATION, ADMINISTRATION AND EXPENDITURE BY THE CITY MANAGER'S OFFICE OF FUNDS COLLECTED FROM THE HAZARDOUS WASTE FACILITY LICENSE FEES PAID BY VEOLIA ENVIRONMENTAL SERVICES IN AN AMOUNT NOT TO EXCEED TWENTY FIVE THOUSAND DOLLARS (\$25,000) AND TO AUTHORIZE THE CARRY-OVER OF ANY UNEXPENDED LICENSE FEES FROM ONE FISCAL YEAR TO A SUBSEQUENT FISCAL YEAR.**

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**WHEREAS**, Veolia Environmental Services (hereinafter "Veolia"), located at 1125 Hensley Street in Richmond, California operates a storage and transfer facility for hazardous waste and is therefore subject to Richmond Municipal Code Section 7.04.125, which authorizes the imposition of a license fee on hazardous waste facilities; and

**WHEREAS**, the facility operated by Veolia is also subject to Conditional Use Permit 92-49 which requires: (1) a minimum Hazardous Waste License Fee ("License Fee") of \$25,000 per year be paid to the City of Richmond; (2) the License Fee be used for programs and/or projects within the North Richmond and Iron Triangle areas, and (3) the establishment of a five member Community and Information Panel (hereinafter the "Panel"); and

**WHEREAS**, pursuant to Section F.2 of the Conditional Use Permit 92-49, the Panel consists of the following members: One (1) from North Richmond, one (1) from the Iron Triangle, two (2) from adjacent businesses, and one (1) from the West County Toxic Coalition; and

**WHEREAS**, one role of the License Fee and Panel is to address some of the issues caused by the facility being located in and transport vehicles having to drive through the North Richmond and Iron Triangle neighborhoods; and

**WHEREAS**, City Council Resolution 19-93 provided for the disbursement of the License Fee solely to fund programs and/or projects located in the North Richmond and Iron Triangle areas; and

**WHEREAS**, an annual competitive grant process, entitled the Veolia Mitigation Fee Grant Program, was established to allocate the License Fees to nonprofit and/or community based organizations located in and/or serving residents of the North Richmond and Iron Triangle neighborhoods; and

**WHEREAS**, as of January 2007, there was a total of \$100,000 available to be used to fund local programs and/or projects through grants; and

**WHEREAS**, pursuant to Resolution 138-06, the City of Richmond awarded grants to eight (8) nonprofit and/or community based organizations located in and/or serving residents from the Iron Triangle and North Richmond areas for an amount not to exceed \$92,500; and

**WHEREAS**, \$7,500 remains from FY 2006-07 and needs to be appropriated for use by the City Manager's Office in FY 2007-08 to fund programs and/or projects; and

**WHEREAS**, as of January 2008, there will be a total of \$32,500 available to award to organizations through a competitive grant process; and

**WHEREAS**, each year Panel members review grant proposals, select grant recipients and recommend grant award approval to the Richmond City Council; and

**WHEREAS**, the Richmond City Council authorizes the City Manager's staff to negotiate and enter into contracts with the Panel-approved grantees and to provide contract oversight to assure that contract deliverables are met and that activities and expenses are consistent with the intent of each contract; and

**WHEREAS**, grantees will provide City Manager's staff with adequate documentation related to

all activities for which any reimbursement is being requested under the specified agreements; and

**WHEREAS**, as long as this annual License Fee is paid to the City, the City Manager's Office will continue to oversee the Veolia Grant Program for the sole purpose of funding programs and/or projects in the specified areas; and

**WHEREAS**, Panel members select grant recipients based on specific criteria and therefore, do not always award the total grant funds available each year; and

**WHEREAS**, extra grant funds may remain after each grant cycle, based on the calendar year, and will require authorization to be appropriated and expended in future fiscal years; and

**WHEREAS**, the City Council received and accepted a staff report dated September 11, 2007, with regard to this Resolution, and

**NOW, THEREFORE BE IT RESOLVED**, that the Council of the City of Richmond, California, authorizes (1) the annual appropriation, administration and expenditure of the \$25,000 Hazardous Waste Facility License Fee paid annually by Veolia Environmental Services to be placed in a dedicated revenue account for the sole use of funding projects and/or programs within the Iron Triangle and North Richmond areas, (2) the appropriation of \$7,500 of unencumbered License Fees from FY 2006-2007 to FY 2007-2008 and expenditure by the City Manager's Office for projects and/or programs within the Iron Triangle and North Richmond areas, and (3) the appropriation and expenditure of any future unencumbered License Fees from one fiscal year to the subsequent fiscal year, for use by the City Manager's Office, for the sole purpose of funding projects and/or programs in the Iron Triangle and/or North Richmond areas through a competitive grant process.

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I certify that the foregoing Resolution was passed and adopted by the Members of the City Council of the City of Richmond, California at a regular meeting held on September 11, 2007, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin  
NOES: None  
ABSTENTIONS: None  
ABSENT: None

DIANE HOLMES  
Clerk of the City of Richmond

Approved:

GAYLE McLAUGHLIN  
Mayor

Approved as to form:

LOUISE RENNE, Interim  
City Attorney

State of California            }  
County of Contra Costa       : ss.  
City of Richmond             }

I certify that the foregoing is a true copy of Resolution No. 97-07, finally passed and adopted by the Council of the City of Richmond at a meeting held on September 11, 2007.