

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Public Works

BOARD AGENDA:8.1
AGENDA DATE: August 16, 2022

CONSENT

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Accept the Public Outreach Report and Approve the Funding Distribution Methodology for the \$50 Million of American Rescue Plan Act of 2021 Funds Allocated for Investment in County Islands and County Communities

STAFF RECOMMENDATION:

1. Accept the Findings and Recommendations Report for Public Engagement in Unincorporated Areas dated June 2022 prepared by NBS of Temecula, CA.
2. Approve the Funding Distribution Methodology for the \$50 Million of American Rescue Plan Act of 2021 funds allocated for investment in County Islands and County Communities.
3. Direct staff to return to the Board of Supervisors on September 20, 2022 with final recommendations on infrastructure projects to be funded in County Islands and County Communities.

DISCUSSION:

Background

For the last several years, Stanislaus County has been working to address infrastructure needs within unincorporated developed neighborhoods of the County. In August 2011, the Stanislaus County Board of Supervisors took several actions intended to guide infrastructure improvements and support the annexation of unincorporated pocket areas to incorporated cities. For residential neighborhood infrastructure projects utilizing Redevelopment and Community Development Grant Funds, the Board action placed priority on those with public health and safety needs. The installation of sewer mainlines, and potable water systems would be the priority. Storm drainage would be considered a second priority in areas subject to persistent standing water problems. The Board also adopted a resolution supporting the annexation of unincorporated County residential pockets within adopted city spheres of influence. The greatest impediment to such annexations is providing municipal infrastructure (curbs, gutter, sidewalks, streets, sewer, storm drain, lighting, etc.) consistent with city standards. Such infrastructure improvements are costly and without an adequate funding source. In the past, Stanislaus County has utilized a variety of sources of funds (Redevelopment, Community Development Block Grant, Highway User Tax, Federal/State grants) to advance work in this area slowly.

In 2019, Stanislaus County began to develop cost estimates for public improvements consistent with city standards and to prepare an expanded analysis of key criteria to prioritize urban pockets for annexation. Attachment 1 – *Interwest Urban Pocket Area Prioritization – Study Summary Report (Updated May 2021)* provides an analysis of 41 individual urban pocket areas located in all five Districts, predominantly around Modesto, Turlock, Ceres, and Riverbank. Since then, one area has fully annexed (area 14 – Hatch/Carpenter/Whitmore) and one area has partially annexed (Area 11-Whitmore/Flamingo). In 2020, development of a supplemental analysis began for the thirteen County Communities – Cowan Tract, Crows Landing, Del Rio, Denair, East Oakdale, Grayson, Hickman, Keyes, Knights Ferry, Monterey Tract Park, Salida, Valley Home, and Westley. (See Attachment 2 – *Interwest Urban Pocket Area Prioritization – County Communities Supplemental Analysis (May 2021)*) A preliminary analysis revealed infrastructure needs at an estimated cost of \$395 and \$141 million respectively, for a total estimated cost of \$536 million. In February 2022, the estimated costs were adjusted for inflation to \$453 million and \$178 million, for a total estimated cost of \$631 million. The estimates have been further adjusted to \$576 million and \$131 million, for a total estimated cost of \$707 million to reflect increased inflation.

The Interwest reports were prepared at the request of County Public Works and are still considered by Staff to be “draft” documents and have never been released to the public for review or presented to the Board of Supervisors for any type of consideration. While the Interwest reports have been used as a guidepost for the work in prioritizing the use the ARPA funding set aside for infrastructure, given the totality of all the input that has been received regarding the use of the ARPA funding, the variables used to weigh priority in the reports are not necessarily reflective of the variables that staff would recommend using today. Factors such as location within a Federal Emergency Management Agency (FEMA) floodplain (feasibility), walkability (public benefit), and disadvantaged community status have different weights in context of the ARPA funding discussion.

The following is an overview of the most current total estimated infrastructure costs broken down by District including the total number of acres and parcels to be improved:

	Total Cost	% of Total Cost	Acres	% of Total Acres	Parcels	% Total of Parcels
District 1	\$79,513,468	11%	930	12%	1263	7%
District 2	\$66,707,012	9%	997	13%	1921	11%
District 3	\$149,785,749	21%	2211	28%	6245	36%
District 4	\$172,520,849	24%	1387	18%	2835	16%
District 5	\$238,580,704	34%	2271	29%	4937	29%
Total	\$707,107,782	100%	7796	100%	17201	100%

On May 18, 2021, the Board of Supervisors approved various strategic priorities for the use of \$90 million of the \$107 million in American Rescue Plan Act (ARPA) allocated to Stanislaus County. Of this amount, \$50 million was assigned to *Community Infrastructure – Urban Pockets/County Communities* to address infrastructure needs within unincorporated developed neighborhoods of the county. The ARPA funds have tight expenditure deadlines, all projects must be awarded prior to December 31, 2024, and completed by December 31, 2026. The ARPA funds provide a unique opportunity for Stanislaus County to begin making a “dent” strategically on the infrastructure needs in its urban pockets and county communities.

On February 15, 2022, the Board of Supervisors approved a public outreach strategy for expenditure of the ARPA infrastructure funds. The strategy was to focus on educating the public on the criteria utilized in the Interwest reports and receiving community input on prioritization. Some of the factors/criteria to be discussed during the public outreach effort included: cost of improvements; right-of-way feasibility constraints; public benefit; supplemental funding sources; benefits to disadvantaged communities; regional equity; sewer only or full improvements; and community support for maintenance. As part of the February 15, 2022 action, the Board of Supervisors approved a contract with NBS (CivicMic), who contract with Debrief, a local consultant, to perform the public outreach.

Community Outreach

NBS began their outreach efforts with the distribution of a flyer introducing the survey to all mailing addresses and site addresses within the identified unincorporated urban pockets and communities. The survey was available in English and Spanish and in different mediums - digitally, paper, and telephonic. NBS developed a website for the project that was used to inform and educate the public about the history and use of ARPA funds, timeframes, instructions, a call to action to take the survey, and updates regarding outreach efforts. Debrief participated in targeted in-person outreach by walking door-to-door, taking surveys, and digitally advertising in communities where survey participation was low. The survey closed on June 17, 2022.

Outreach efforts were extensive and were intended to reach as many portions of the unincorporated urban pockets and communities as possible. A complete overview of all outreach efforts is identified in the Findings and Recommendations Report (NBS Report) provided by NBS in June 2022, provided as Attachment 3. Outreach included the following meetings which were held in conjunction with NBS, Debrief and County staff:

Date	Area	District(s)
June 7, 2022	Cowan, Monterrey Park, Grayson, Westley, & Crows Landing at Harvest Hall	5
June 8, 2022	E. Oakdale, Knights Ferry, Valley Home, Riverbank, Sylvan/Coffee at Oakdale Event Center	1
	Ceres (Bystrum), South Ceres, Empire, Airport at Harvest Hall	4 & 5
June 9, 2022	So. Modesto, Parklawn, Riverdale at Harvest Hall	3 & 5
	West Modesto at King-Kennedy Memorial Center	3
June 13, 2022	Denair, Keyes, Hickman, Turlock at Denair School District Board Room	2
June 15, 2022	Virtual meeting in Spanish	All
June 20, 2022	Virtual meeting in English	All

The NBS Report captures the results of surveys, outreach meetings, and walking tours during the community engagement effort. The following is a breakdown of the participation by District:

	# of Surveys Received	# of Participants at Workshops
District 1	38	1
District 2	29	4
District 3	78	8
District 4	48	13
District 5	116	43
Other	City, Undisclosed Addresses, Address/Residency outside of unincorporated urban pocket or county community areas	
Total	309	69

The following are the major takeaways from the NBS Report:

- A clear majority of citizens in most neighborhoods, with a few exceptions, are not happy with the street lighting quality and quantity.
- Most residents do not have adequate biking and walking paths.
- Most residents do not want the County to spend all of the ARPA funding on fixing the sewer systems.
- About 75% of residents support funding small infrastructure projects in many neighborhoods.
- Nearly 80% of residents support spreading the funding throughout the region.
- A slight majority of residents support funding large infrastructure projects in a few disadvantaged neighborhoods.

- Most residents are unwilling to pay more taxes to improve their neighborhood, which likely reflects a perception of how well tax revenue is spent on community needs.

Analysis

Ultimately, NBS has recommended that the County consider the results of the public outreach in tandem with the priority areas identified in the Interwest reports. The NBS recommendation goes on to say that the fact that residents would prefer to spread funds throughout the region in many small projects – as opposed to large projects in only a few areas – does not necessarily mean that the County should disregard making sizable investments in projects and in areas where the benefit will be maximized. NBS has also recommended reaching out to each community once projects have been selected to provide detailed educational materials on the projects and the immediate impact of those improvements. Impacts could include: the loss of parking spaces associated with the installation of curb, gutter, and sidewalk; the need for an assessment to cover the ongoing costs of storm water maintenance; sewer connection costs; and annexation.

In working to prioritize needed infrastructure projects, Staff developed a number of scenarios based on a mixture of factors/criteria including, but not limited to, the following: the Interwest report scores, ready to list (shovel ready) status, sewer need, disadvantaged status (State Department of Water Resources classification as disadvantaged and severely disadvantaged), walkability, flood hazards, and the ability to use outside funds. What Staff discovered in running the various scenarios is that, for the most part, the outcomes vary with each change in factors and individualized factors do not necessarily reflect the full scope of community feedback received during the public engagement process. In giving weight to the various factors, rankings on the surface could appear to change significantly, but the difference in the actual ranking scores was minimal.

Attachment 4 provides maps identifying the approximate location of each urban pocket and county community (by project area name and number) and Attachment 5 provides an overview of the projects for each of the Districts, as identified in the Interwest Reports. The lists of projects are sorted by the total cost of the project and not presented in any ranked order.

Staff Recommendation

Given the diverse need for infrastructure improvements within each District, public comment received, and the need to further assess projects for viability, Staff is focusing its recommendation, at this time, on the distribution of funding amongst the five Districts. In awarding specific projects there is a critical need to consider geographic and equitable distribution of the ARPA infrastructure funds. Staff's recommendation is based on an equitable distribution of funding based on the estimated total project costs which have been adjusted for inflation and validated by the County's Public Works Director. Staff are not recommending specific projects for approval at this time and will return on September 20, 2022 with recommendations on specific projects for consideration. Some of the cost estimates reflected below are still under review and further adjustment to the recommended funding distribution amounts may be necessary.

	Total Cost Analysis		
	Total Cost	% of Total Cost	Funding Based on % of Total Cost
District 1	\$79,513,468	11%	\$5,622,443
District 2	\$66,707,012	9%	\$4,716,891
District 3	\$149,785,749	21%	\$10,591,437
District 4	\$172,520,849	24%	\$12,199,049
District 5	\$238,580,704	34%	\$16,870,179
Total	\$707,107,782	100%	\$50,000,000

If the funding recommendation is approved, Staff will:

- Evaluate project lists by Board District in relation to the funding identified for each individual District. This will include working with each Supervisor to consider input from the community outreach process as well as analysis from the Interwest scoring process.
- As projects are identified, Public Works staff will validate project cost estimates and verify project feasibility in terms of community support, specifically the project itself and any associated ongoing maintenance and operation costs that will be borne by the property owners. Staff will also connect with cities adjacent to the identified projects to discuss impacts and potential funding opportunities. Additionally, Staff will continuously evaluate the scope and various components of each for alignment with ARPA funding guidelines, terms and conditions for use to maximize this Federal source of revenue.
- Return to the Board of Supervisors on September 20, 2022 with the final list of projects and cost estimates for approval.

Additional Funding Opportunities

In the 2022-2023 Recommended Final Budget, staff will bring forward a policy for the Building Community Infrastructure Fund, as discussed in the June 14, 2022 Board Agenda Item related to the Recommended Proposed Budget for Budget Year 2022-2023. The Building Community Infrastructure Fund is envisioned to provide a dedicated funding stream for each Supervisor to address community infrastructure projects of priority in their respective Districts. Staff will be recommending an initial investment amount of \$15,000,000, or \$3,000,000 per District. If approved by the Board of Supervisors, this new funding source may be used, at the discretion of each Supervisor, to supplement ARPA funding for infrastructure improvements.

The City of Modesto has been awarded a \$5,000,000 State grant opportunity to invest in unincorporated pocket areas within the City of Modesto. At this time, City staff have indicated a preference to allocate these grant funds to the Colorado/Rouse project located in District 4. County staff will work with City staff to confirm the availability and support for use of this funding prior to returning to the Board on September 20, 2022.

POLICY ISSUE:

The Board of Supervisors sets local policy for the use of ARPA Local Coronavirus Fiscal Recovery funds.

FISCAL IMPACT:

There are no fiscal impacts related to this agenda item as no budget adjustments are being made at this time. Staff anticipate budget action occurring with approval of specific project areas on September 20, 2022.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priority of *Delivering Efficient Public Services and Community Infrastructure* by engaging in public outreach services to gather community input for infrastructure needs.

STAFFING IMPACT:

Existing Public Works staff is overseeing the procurement of engineering services to implement.

CONTACT PERSON:

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ATTACHMENT(S):

1. [Interwest Urban Pocket Area Prioritization - Study Summary Report \(Updated May 2021\)](#)
2. [Interwest Urban Pocket Area Prioritization County Communities Supplemental Analysis \(May 2021\)](#)
3. [NBS Findings and Recommendations Report \(June 2022\)](#)
4. [Maps](#)
5. [Projects Lists](#)