

Date: April 28, 2022

Subject: Transformative Climate Communities: Round 4 Program Guidelines (FY 21-22): Technical Amendment

Reporting Period: March – April 2022

Staff Lead: Transformative Climate Communities Program Staff

Recommended Action

Amend sections of the Fiscal Year 2021-22 Final Transformative Climate Communities (TCC) Round 4 Program Guidelines to provide further clarification and guidance on program requirements.

Summary

This action would memorialize changes to the FY 21-22 TCC Program Guidelines applicable to FY 21-22 TCC funds only. The proposed Technical Amendment to the Round 4 TCC Program Guidelines (FY 21-22) includes revisions to provide further clarification and guidance on five key areas:

- 1) Lead Applicant eligibility
- 2) Applicability of limited waiver of sovereign immunity
- 3) Partnership Agreement and data sovereignty for Tribes
- 4) Project Area eligibility for unincorporated areas that previously received Planning Grants
- 5) Consistency with local land use planning

Background

Adoption of Round 4 TCC Program Guidelines

The Council adopted the FY 21-22 Round 4 TCC Program Guidelines at the February 24, 2022 Council Meeting. The TCC Program issued the Notice of Funding Availability on March 8, 2022. Implementation Pre-Proposals will be due April 22, 2022, and all final Implementation and Planning Applications will be due July 1, 2022. Award recommendations are anticipated at the October 2022 Council Meeting.

Summary of Changes to Round 4 TCC Guidelines

Proposed amendments to the FY 21-22 TCC Program Guidelines are summarized below and included as Attachment 1 to this staff report. All changes to the Guidelines are shown in red.



- **Guidelines, Page 5: Allows formerly awarded Lead Applicants to re-apply as Lead Applicant in Round 4.**

Organizations that were awarded a TCC Implementation Grant in previous funding rounds are ~~not~~ eligible to re-apply as the Lead Applicant in Round 4 only if they demonstrate sufficient capacity to administer both grants simultaneously and the Project Areas are distinct. However, Organizations from the same jurisdiction are also eligible to apply, and project partners on current grants may apply as Lead Applicants or be included in Round 4 applications.

Organizations that were awarded a partial award in a previous round are eligible to re-apply for a Round 4 partial award in the same Project Area, as long as the sum of the two awards totals no more than \$35 million.

- **Guidelines, Page 7 (February 22 version), Page 8 (April 28 version): Clarifies how the Partnership Agreement applies to Tribes**

If Tribes are included as Lead Applicants or Co-Applicants, Tribes' sovereign status should be respected and upheld through the development of the Collaborative Stakeholder Structure. The Partnership Agreement should additionally outline measures that will be taken to protect the confidentiality of Tribal data and Traditional Ecological Knowledge collected or shared as part of grant activities.

- **Guidelines, Page 9 (February 22 version), Page 10 (April 28 version): Adds a footnote clarifying Project Area eligibility for tribal territories.**

All areas within federally recognized tribal boundaries in California¹

- **Guidelines, Page 10 (February 22 version), Page 11 (April 28 version): Clarifies that unincorporated areas within former Planning Areas are eligible Project Areas for Implementation Grants.**

Round 4 extends eligibility for Implementation Grants to disadvantaged unincorporated communities (DUCs).⁸

At least 51 percent (51%) of the Project Area must overlap with eligible DUC areas. Applicants from unincorporated areas may establish DUC eligibility through one of the following methods:

- Verified DUC status through the Local Agency Formation Commission (LAFCo) or another public agency and located within disadvantaged communities designated census tracts per CalEnviroScreen and these Guidelines.
- Eligible location per the TCC Mapping Tool⁹ that overlaps with all the following criteria:

¹ All areas within federally recognized tribal boundaries in California, particularly tribal land held in trust and restricted fee lands. Land owned by a tribal member that does not constitute trust land or restricted fee land may qualify under other TCC priority population criteria.



- Cluster of unincorporated parcels at a density threshold of 250 parcels per square mile,¹⁰
- Disadvantaged communities census tract per CES (top 25%), and
- Hard-to-count census block group (score of 57 or higher) per the California Hard-to-Count Index (CA-HTC).
- Self-identified DUC that justifies designation with localized data that identifies population characteristics and density defined by a neighborhood-level assessment.
- Previous TCC Planning Grant recipients that included unincorporated areas within their Planning Area. The proposed Project Area must fall within the TCC Planning Area ~~and meet the Priority Population requirements above.~~

The remaining 49 percent (49%) or less of the Project Area must overlap with either an eligible DUC area or a low-income community as defined by AB 1550.

- **Guidelines, Page 19 (February 22 version), Page 21 (April 28 version): Adds “Confidentiality of Tribal Data” section**

Confidentiality of Tribal Data

During the Post-Award Consultation Process, SGC will work with each awarded Tribe and their Evaluation TA Provider to reach a mutually agreeable evaluation plan that protects confidentiality of Tribal data and Traditional Ecological Knowledge while also meeting SGC program evaluation goals. This may include modification of deliverables and Indicator Tracking Plan requirements.

- **Guidelines, Page 27 (February 22 version), Pages 29-30 (April 28 version): Clarifies that requirement for consistency with local land use planning applies to all communities**

Consistency with Existing Local Land Use and Transportation Plans

Applicants must demonstrate that TCC Proposals are consistent with all relevant land use plans including climate action plans, designations, zoning, building intensity and density requirements, design guidelines, and applicable goals, policies, and programs. Consistency shall be demonstrated by submittal of a letter from the local jurisdiction’s Planning Department and Public Works Department describing the proposed TCC projects’ consistency with all relevant plans. Applicants ~~with unincorporated Project Areas~~ must demonstrate that the TCC Proposal is consistent with local growth and conservation planning elements and will not result in unmanaged greenfield or leapfrog development.

- **Guidelines, Page 37 (February 22 version), Page 42 (April 28 version): Wording correction**

Partners must invoice the Grantee before the Grantee submits an invoice to SGC. The Grantee will be responsible for compiling all invoices, supporting documentation, and



reporting materials for themselves and the Partners into a single package. Once the package has been approved for payment, funds will be ~~dispersed~~ disbursed to the Grantee. The Grantee is responsible for ~~dispensing~~ disbursing payment to their Partners in accordance with their signed Partnership Agreement.

- **Guidelines, Page 38 (February 22 version), Page 42 (April 28 version): Clarifies that a limited waiver of sovereign immunity is not required for Implementation Grants**

Tribes will not be required to sign a limited waiver of sovereign immunity to receive payments on a reimbursement basis from SGC through the TCC Program.

- **Guidelines, Page 47 (February 22 version), Page 52 (April 28 version): Wording correction**

Partners must invoice the Grantee before the Grantee submits an invoice to SGC. The Grantee will be responsible for compiling all invoices, supporting documentation, and reporting materials for themselves and the Partners into a single package. Once the package has been approved for payment, funds will be ~~dispersed~~ disbursed to the Grantee. The Grantee is responsible for ~~dispensing~~ disbursing payment to their Partners.

- **Guidelines, Page 47 (February 22 Version), Page 52 (April 28 version): Clarifies that a limited waiver of sovereign immunity is not required for Planning Grants**

Tribes will not be required to sign a limited waiver of sovereign immunity to receive payments on a reimbursement basis from SGC through the TCC Program.

Council Recommendation

Amend the Fiscal Year 2021-222 Final Transformative Climate Communities (TCC) Round 4 Program Guidelines.

Attachments

Attachment 1: Transformative Climate Communities (TCC): Final Round 4 Program Guidelines: Technical Amendment

