



Meeting Notice

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

Commission Chair
Supervisor Scott Haggerty, District 1

Commission Vice Chair
Councilmember Rebecca Kaplan,
City of Oakland

AC Transit
Director Elsa Ortiz

Alameda County
Supervisor Richard Valle, District 2
Supervisor Wilma Chan, District 3
Supervisor Nate Miley, District 4
Supervisor Keith Carson, District 5

BART
Director Thomas Blalock

City of Alameda
TBD

City of Albany
Vice Mayor Peter Maass

City of Berkeley
Councilmember Laurie Capitelli

City of Dublin
Mayor David Haubert

City of Emeryville
Vice Mayor Ruth Atkin

City of Fremont
Mayor Bill Harrison

City of Hayward
Mayor Barbara Halliday

City of Livermore
Mayor John Marchand

City of Newark
Councilmember Luis Freitas

City of Oakland
Vice Mayor Larry Reid

City of Piedmont
Mayor Margaret Fujjoka

City of Pleasanton
Mayor Jerry Thome

City of San Leandro
TBD

City of Union City
Mayor Carol DuTra-Vernaci

Executive Director
Arthur L. Dao

Finance and Administration Committee

Monday, January 12, 2015, 1:30 p.m.

**1111 Broadway, Suite 800
Oakland, CA 94607**

Mission Statement

The mission of the Alameda County Transportation Commission (Alameda CTC) is to plan, fund, and deliver transportation programs and projects that expand access and improve mobility to foster a vibrant and livable Alameda County.

Public Comments

Public comments are limited to 3 minutes. Items not on the agenda are covered during the Public Comment section of the meeting, and items specific to an agenda item are covered during that agenda item discussion. If you wish to make a comment, fill out a speaker card, hand it to the clerk of the Commission, and wait until the chair calls your name. When you are summoned, come to the microphone and give your name and comment.

Recording of Public Meetings

The executive director or designee may designate one or more locations from which members of the public may broadcast, photograph, video record, or tape record open and public meetings without causing a distraction. If the Commission or any committee reasonably finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities must be discontinued or restricted as determined by the Commission or such committee (CA Government Code Sections 54953.5-54953.6).

Reminder

Please turn off your cell phones during the meeting. Please do not wear scented products so individuals with environmental sensitivities may attend the meeting.

Glossary of Acronyms

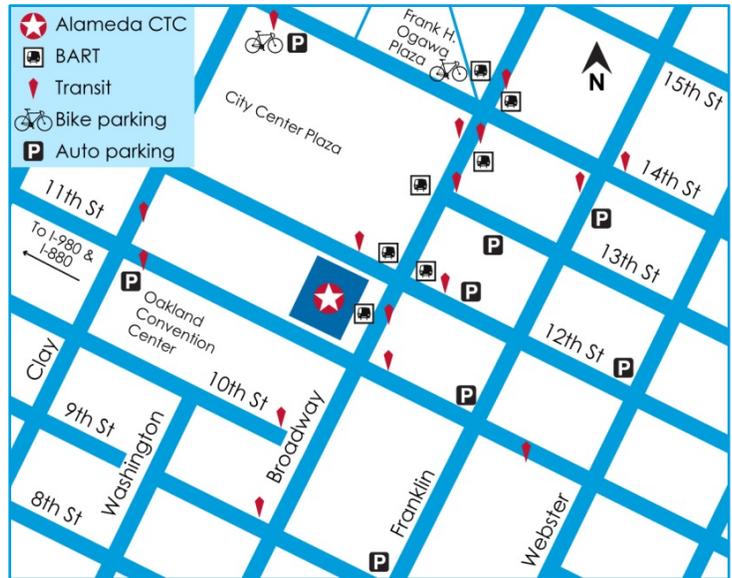
A glossary that includes frequently used acronyms is available on the Alameda CTC website at www.AlamedaCTC.org/app_pages/view/8081.

Location Map

Alameda CTC

1111 Broadway, Suite 800
Oakland, CA 94607

Alameda CTC is accessible by multiple transportation modes. The office is conveniently located near the 12th Street/City Center BART station and many AC Transit bus lines. Bicycle parking is available on the street and in the BART station as well as in electronic lockers at 14th Street and Broadway near Frank Ogawa Plaza (requires purchase of key card from bikelink.org).



Garage parking is located beneath City Center, accessible via entrances on 14th Street between 1300 Clay Street and 505 14th Street buildings, or via 11th Street just past Clay Street. To plan your trip to Alameda CTC visit www.511.org.

Accessibility

Public meetings at Alameda CTC are wheelchair accessible under the Americans with Disabilities Act. Guide and assistance dogs are welcome. Call 510-893-3347 (Voice) or 510-834-6754 (TTD) five days in advance to request a sign-language interpreter.



Meeting Schedule

The Alameda CTC meeting calendar lists all public meetings and is available at www.AlamedaCTC.org/events/upcoming/now.

Paperless Policy

On March 28, 2013, the Alameda CTC Commission approved the implementation of paperless meeting packet distribution. Hard copies are available by request only. Agendas and all accompanying staff reports are available electronically on the Alameda CTC website at www.AlamedaCTC.org/events/month/now.

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Finance and Administration Committee Meeting Agenda

Monday, January 12, 2015, 1:30 p.m.*

*Or immediately following the Programs and Projects Committee meeting

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1. Pledge of Allegiance

2. Roll Call

3. Public Comment

Chair: Supervisor Richard Valle, Alameda County BOS
Vice Chair: Director Tom Blalock, BART
Commissioners: Margaret Fujioka, Peter Maass
Ex-Officio Members: Scott Haggerty, Rebecca Kaplan
Staff Liaison: Patricia Reavey
Executive Director: Arthur L. Dao
Clerk: Vanessa Lee

4. Consent Calendar

Page A/I

4.1. [November 10, 2014 FAC Meeting Minutes](#)

1 A

Recommendation: Approve the November 10, 2014 meeting minutes.

5. Regular Matters

5.1. [Agreements with the State Board of Equalization to Administer and Operate the Measure BB](#)

5 A

Recommendation: Approve the following agreements with the State Board of Equalization:

- Preparation to Administer and Operate the Measure BB Transaction and Use Tax Ordinance
- State Administration of Measure BB Transaction and Use Taxes and adopt a resolution authorizing the Executive Director to execute the agreements.

5.2. [Alameda CTC 2015 Meeting Schedule](#)

29 A

Recommendation: Approve the Alameda CTC Meeting Schedule for the 2015 Calendar Year

5.3. [FY2015-16 Administration Support Professional Services Contracts Plan and Amendment to the FY2014-15 Administration Support Professional Services Contracts](#)

33 A

Recommendation: Approve the FY2015-16 Administration Support Professional Services Contracts Plan and Amendment to the FY2014-15 Administration Support Professional Services Contracts Plan.

6. Committee Member Reports (Verbal)

7. Staff reports (Verbal)

8. Adjournment

Next Meeting: February 9, 2015

All items on the agenda are subject to action and/or change by the Commission.



Finance and Administration Committee
Meeting Minutes
Monday, November 10, 2014, 1:30 p.m.

3.1

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1. Pledge of Allegiance

2. Roll Call

The clerk conducted a roll call. All members were present with the exception of Commissioner Margaret Fujioka, Commissioner Pete Maass and Commissioner Thomas Blalock.

Subsequent to the roll call:

Commissioner John McPartland arrived as an alternate for Commissioner Thomas Blalock during item 3.

3. Public Comment

There were no public comments.

4. Consent Calendar

4.1. October 13, 2014 FAC Meeting Minutes

Commissioner Kaplan moved to approve the Consent Calendar. Commissioner Gilmore seconded the motion. The motion passed unanimously (Maass, Fujioka absent).

5. Regular Matters

5.1. Approval of the Alameda CTC FY2013-14 Draft Audited Comprehensive Annual Financial Report

Patricia Reavey recommended that the Commission approve the Alameda CTC FY2013-14 Draft Audited Comprehensive Annual Financial Report (FY2013-14 Draft Audited CAFR). She introduced Ahmad Gharaibeh, a partner with Vavrinek, Trine, Day & Co., LLP (VTD), who presented the audited comprehensive annual financial report. Ahmad provided financial highlights stating that total net position was \$183.1 million at June 30, 2014. Total assets increased by \$146.3 million to \$436.1 million as of June 30, 2014, of which cash and investments comprised \$392.2 million. He stated that revenues totaled \$177.9 million for the fiscal year, and total liabilities increased by \$182.5 million to \$253.0 million as of June 30, 2014. Expenses totaled \$214.1 million for the fiscal year ended June 30, 2014. This was an increase of \$33.1 million over the prior fiscal year mostly related to Measure B capital project expenditures. Ahmad stated that the opinion included in the FY2013-14 Draft Audited CAFR by VTD is an unmodified or clean audit opinion. He also discussed some upcoming pronouncements including GASB Statement Nos. 68 and 71 regarding pensions which can potentially have an effect on future Alameda CTC CAFRs.

Commissioner Valle informed the committee that the audit committee met on October 30, 2014, reviewed the CARF in detail with the auditors and Alameda CTC staff and accepted the FY2013-14 Draft Audited CAFR.

Commissioner Kaplan moved to approve this item. Commissioner Gilmore seconded the motion. The motion passed unanimously (Maass, Fujioka absent).

5.2. Approval of the FY2014-15 First Quarter Financial Report

Patricia Reavey recommended that the Commission approve the FY2014-15 First Quarter Financial Report. She stated that at the end of the first quarter, the Alameda CTC is showing a net decrease in fund balance of \$11.4 million primarily due to Measure B related capital project expenditures. In the General Fund, Alameda CTC's revenues are less than budget by \$1.7 million, and expenditures are under budget by \$2.8 million. In the Special Revenue Funds, revenues are more than budget by \$1.1 million and expenditures are \$2.8 million less than budget. Exchange Fund revenues were under budget by \$1.6 million and expenditures were over budget by \$2.0 million. Patricia stated that in the Debt Service Fund, revenues appear to be over budget by 98.3%, but the year-to-date budget amount only represents 25% of the annual total budget, whereas GASB requires bond interest to be recorded when paid semi-annually. Actual interest expense will equal total budget by March 1 and through the fiscal year-end. She informed the committee that Capital Project Funds revenues are less than budget by \$16.0 million, and expenditures are less than budget by \$50.0 million.

Patricia concluded by stating that staff has made calculations required per ACTIA's Transportation Expenditure Plan related to salary and benefits and administration costs. The Salary and Benefits Limitation ratio of 0.59% and Administrative Cost Limitation ratio of 1.79% were calculated based on actual expenditures and were found to be in compliance with the requirements.

Commissioner Kaplan moved to approve this item. Commissioner McPartland seconded the motion. The motion passed unanimously (Maass, Fujioka).

5.3 Approval of the FY2014-15 First Quarter Investment Report

Patricia Reavey recommended that the Commission approve the Alameda CTC FY2014-15 First Quarter Investment Report. She stated that Alameda CTC investments are in compliance with the adopted investment policy as of September 30, 2014 and the Agency has sufficient cash flow to meet expenditure requirements over the next six months. She also gave some key highlights of the report as of September 30, 2014 including: Total cash and investments held by the Alameda CTC was \$381.9 million with bond proceeds accounting for 23.8% of the total. The ACTA investment balance decreased \$0.2 million from the prior year-end balance, the ACTIA investment balance decreased \$7.3 million and the ACCMA investment balance decreased \$2.6 million. All of these decreases were mostly due to capital project expenditures. She concluded by stating that that investment yields at 0.25% have grown slightly for the first quarter over the prior year and that return on investments were projected for the FY2014-15 budget year at varying rates from 0.3% to 0.5% depending on the projected investment type.

Commissioner Kaplan moved to approve this item. Commissioner Gilmore seconded the motion. The motion passed unanimously (Maass, Fujioka absent).

5.4 FY2013-14 Annual Contract Equity Utilization Report

Seung Cho recommended that the Commission approve the FY2013-14 Annual Contract Equity Utilization Report. He stated that in the current reporting period there were a total of 26 active contracts with LBCE Program goals. Of these contracts, approximately 79% of payments went to administrative and engineering firms certified as LBE and 45% of payments went to administrative and engineering firms certified as SLBE. The LBCE Program goals of 70% for LBE and 30% for SLBE were exceeded.

Seung then stated that there were 33 active federally funded contracts with DBE Program contract specific goals in this reporting period. Of these contracts, 30 contracts were in the administrative and engineering categories and 3 were in the construction category. Approximately 24% of payments (\$3.4 million) went to DBE certified firms.

Commissioner Kaplan moved to approve this item. Commissioner McPartland seconded the motion. The motion passed unanimously (Maass, Fujioka absent).

5.5 Alameda CTC Staff and Retiree Benefits for Calendar Year 2015 and Salaries for Fiscal Year 2015-2016

Art Dao recommended that the Commission approve the Alameda CTC Staff and Retiree Benefits for Calendar Year 2015 and Salaries for Fiscal Year 2015-2016 and adopt Resolution No. 14-017 Fiscal Year 2015-2016 Salaries and Calendar Year 2015 Benefits for Staff Members. He stated that the benefit changes include a decrease to the cafeteria plan benefit rate of 5.15% and a slight increase of \$3 or 2.5% to the required minimum Public Employees Medical and Hospital Care Act contribution. He also stated that there were no significant changes to the salary ranges with the exception of a change to the Director of Finance to the Director of Finance and Administration with a corresponding adjustment to the salary range; and an adjustment to the Accountant Technician position to be more in line with market conditions.

Commissioner Kaplan moved to approve this item. Commissioner McPartland seconded the motion. The motion passed unanimously (Fujioka, Maass absent).

6. Closed Session

6.1 Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: Executive Director

6.2 Report on Closed Session

Neal Parish, Legal Counsel for the Alameda CTC, reported that a recommendation was made to approve a 5% increase to the salary of the Executive Director as well as fuel and transit fare reimbursements effective September 1, 2014.

Commissioner Haggerty moved to approve this action. Commissioner Gilmore seconded the motion. The motion passed unanimously (Fujioka, Maass absent).

7. Committee Member Reports (Verbal)

All members of the committee expressed gratitude for the performance of the agency's Executive Director and Alameda CTC staff.

8. Staff Reports

There were no staff reports.

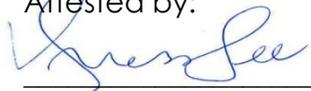
9. Adjournment/ Next Meeting

The meeting adjourned at 2:30 p.m. The next meeting is:

Date/Time: Monday, January 12, 2015 @1:30 p.m.

Location: Alameda CTC Offices, 1111 Broadway, Suite 800, Oakland, CA 94607

Attested by:



Vanessa Lee,
Clerk of the Commission



Memorandum

5.1

1111 Broadway, Suite 800, Oakland, CA 94607 • 510.208.7400 • www.AlamedaCTC.org

DATE: January 5, 2014

SUBJECT: Agreements with the State Board of Equalization to Administer and Operate Measure BB

RECOMMENDATION: Approve the following agreements with the State Board of Equalization:

- Preparation to Administer and Operate the Measure BB Transaction and Use Tax Ordinance
- State Administration of Measure BB Transactions and Use Taxes

and adopt a resolution authorizing the Executive Director to execute the Agreements.

Summary

On November 4, 2014, more than 70 percent of Alameda County voters responded positively in support of Alameda CTC's Measure BB, an extension and augmentation by one-half of one percent of the existing Alameda County transaction and use tax until March 31, 2045. Measure BB is designed to fund the 2014 Transportation Expenditure Plan, which will help increase mobility, create jobs, reduce congestion, protect the environment, restore and expand transit services, fix potholes, reduce highway congestion, expand bicycle and pedestrian access and connect transit with housing and jobs over the next 30 years.

In order to implement Measure BB, Alameda CTC is required to enter into two agreements with the State Board of Equalization (BOE); one for preparation to administer and operate the transaction and use tax, and one for State administration of the transaction and use tax. In addition, the Alameda CTC is required to adopt a resolution authorizing the Executive Director to execute each agreement.

Background

The agreement for preparation to administer and operate the transaction and use tax ordinance provides for the BOE to complete the work necessary to put the structure in place to administer and operate the transaction and use tax, including developing procedures, programming for data processing, developing and adopting appropriate

regulations, designing and printing forms, developing instructions, and other appropriate and necessary preparatory tasks to administer a transaction and use tax ordinance.

The agreement for State administration of the transaction and use tax will be effective April 1, 2015 and provides for the collection of the transaction and use tax at a rate of one-half of one percent through March 31, 2022 and one full percent from April 1, 2022 through March 31, 2045. Alameda CTC will be required to give the BOE written notice of the augmentation of the existing one-half of one percent tax by an additional one-half of one percent not less than six months prior to the operative date of April 1, 2022. The agreement also provides for the Measure BB funds collected to be transmitted into the account of the Alameda CTC.

Fiscal Impact

Approval of these agreements with the State Board of Equalization and adoption of the required resolution will allow Alameda CTC to receive transaction and use tax revenues produced by Measure BB taxes, which should double the total collection of sales tax revenues for Alameda CTC beginning April 1, 2015.

Attachments

- A. Agreement for Preparation to Administer and Operate District's Transaction and Use Tax Ordinance
- B. Agreement for State Administration of District Transaction and Use Tax
- C. Resolution of the Alameda County Transportation Commission Authorizing Its Executive Director to Execute Agreements with the State Board of Equalization for Implementation of a Local Transaction and Use Tax

Staff Contact

[Patricia Reavey](#), Director of Finance and Administration

**AGREEMENT FOR PREPARATION TO ADMINISTER AND OPERATE
DISTRICT'S TRANSACTIONS AND USE TAX ORDINANCE**

In order to prepare to administer a transactions and use tax ordinance adopted in accordance with the provision of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, the Alameda County Transportaiton Commission, hereinafter called *District*, and the STATE BOARD OF EQUALIZATION, hereinafter called *Board*, do agree as follows:

1. The Board agrees to enter into work to prepare to administer and operate a transactions and use tax in conformity with Part 1.6 of Division 2 of the Revenue and Taxation Code which has been approved by a majority of the electors of the District and whose ordinance has been adopted by the District.

2. District agrees to pay to the Board at the times and in the amounts hereinafter specified all of the Board's costs for preparatory work necessary to administer the District's transactions and use tax ordinance. The Board's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Board's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance. These costs shall include both direct and indirect costs as specified in Section 11256 of the Government Code.

3. Preparatory costs may be accounted for in a manner which conforms to the internal accounting and personnel records currently maintained by the Board. The billings for costs may be presented in summary form. Detailed records of preparatory costs will be retained for audit and verification by the District.

4. Any dispute as to the amount of preparatory costs incurred by the Board shall be referred to the State Director of Finance for resolution, and the Director's decision shall be final.

5. Preparatory costs incurred by the Board shall be billed by the Board periodically, with the final billing within a reasonable time after the operative date of the ordinance. District shall pay to the Board the amount of such costs on or before the last day of the next succeeding month following the month when the billing is received.

6. The amount to be paid by District for the Board's preparatory costs shall not exceed one hundred seventy-five thousand dollars (\$175,000) (Revenue and Taxation Code Section 7272.)

7. Communications and notices may be sent by first class United States mail. Communications and notices to be sent to the Board shall be addressed to:

State Board of Equalization
P.O. Box 942879
Sacramento, California 94279-0032
Attention: Administrator, RAAS

Communications and notices to be sent to District shall be addressed to:

Alameda County Transportation Commission
1111 Broadway, Suite 800
Oakland, CA 94607
Attention: Director of Finance and Administration

8. The date of this agreement is the date on which it is approved by the Department of General Services. This agreement shall continue in effect until the preparatory work necessary to administer District's transactions and use tax ordinance has been completed and the Board has received all payments due from District under the terms of this agreement.

ALAMEDA COUNTY
TRANSPORTATION COMMISSION

STATE BOARD OF EQUALIZATION

By _____
Arthur L. Dao
Executive Director

By _____
Brian Manuel, Administrator
Return Analysis & Allocation Section

(Rev. 11/14)

**AGREEMENT FOR STATE ADMINISTRATION
OF DISTRICT TRANSACTIONS AND USE TAXES**

The Alameda County Transportation Commission (hereafter called "District") has adopted, and the voters of Alameda County have approved by the required majority vote, the Measure BB Transactions and Use Tax Ordinance (hereafter called "Ordinance"), a copy of which is attached hereto. To carry out the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code and the Ordinance, the State Board of Equalization, (hereinafter called the "Board") and the District do agree as follows:

**ARTICLE I
DEFINITIONS**

Unless the context requires otherwise, wherever the following terms appear in the Agreement, they shall be interpreted to mean the following:

1. "District Taxes" shall mean the transactions and use taxes, penalties, and interest imposed under an ordinance specifically authorized by Section 180201 Public Utilities Code of the State of California, and in compliance with Part 1.6, Division 2 of the Revenue and Taxation Code.

2. "District Ordinance" shall mean the District's Transactions and Use Tax Ordinance referred to above and attached hereto, as Exhibit A, as amended from time to time, or as deemed to be amended from time to time pursuant to Revenue and Taxation Code Section 7262.2.

**ARTICLE II
ADMINISTRATION AND COLLECTION
OF DISTRICT TAXES**

A. Administration. The Board and District agree that the Board shall perform exclusively all functions incident to the administration and operation of the District Ordinance.

B. Other Applicable Laws. District agrees that all provisions of law applicable to the administration and operation of the State Sales and Use Tax Law which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code shall be applicable to the administration and operation of the District Ordinance. District agrees that money collected pursuant to the District Ordinance may be deposited into the State Treasury to the credit of the Retail Sales Tax Fund and may be drawn from that Fund for any authorized purpose, including making refunds, compensating and reimbursing the Board pursuant to Article IV of this Agreement, and transmitting to District the amount to which District is entitled.

C. Transmittal of money.

1. For the period during which the tax is in effect, and except as otherwise provided herein, all District taxes collected under the provisions of the District Ordinance shall be transmitted to District periodically as promptly as feasible, but not less often than twice in each calendar Quarter ~~month~~.

2. For periods subsequent to the expiration date of the tax, whether by District's self-imposed limits or by final judgment of any court of the State of California holding that District's ordinance is invalid or void, all District taxes collected under the provisions of the District Ordinance shall be transmitted to District not less than once in each calendar quarter.

3. Transmittals may be made by mail or electronic funds transfer to an account of the District designated and authorized by District. A statement shall be furnished by the Board to the District at least quarterly indicating the amounts withheld pursuant to Article IV of this Agreement.

D. Rules. The Board shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and operation of the District Ordinance and the distribution of the District Taxes collected thereunder.

E. Preference. Unless the payor instructs otherwise, and except as otherwise provided in this Agreement, the Board shall give no preference in applying money received for state sales and use taxes, state-administered local sales and use taxes, and District Taxes owed by a taxpayer, but shall apply moneys collected to the satisfaction of the claims of the State, cities, counties, cities and counties, redevelopment agencies, other districts, and District as their interests appear.

F. Security. The Board agrees that any security which it hereafter requires to be furnished by taxpayers under the State Sales and Use Tax Law will be upon such terms that it also will be available for the payment of the claims of the District for District Taxes owing to it as its interest appears. The Board shall not be required to change the terms of any security now held by it and District shall not participate in any security now held by the Board.

G. Records of the Board. When requested by resolution of the legislative body of the District under section 7056 of the Revenue and Taxation Code, the Board agrees to permit authorized personnel of the District to examine the records of the Board, including the name, address, and account number of each seller holding a seller's permit with a registered business location in the District, pertaining to the ascertainment of District Taxes. Information obtained by the District from examination of the Board's records shall be used by the District only for purposes related to the collection of transactions and use taxes by the Board pursuant to this Agreement.

H. Annexation. District agrees that the Board shall not be required to give effect to an annexation, for the purpose of collecting, allocating, and distributing District transactions and use taxes, earlier than the first day of the calendar quarter which commences not less than two months after notice to the Board. The notice shall include the name of the county or counties annexed to the extended District boundary. In the event the District shall annex an area, the boundaries of which are not coterminous with a county or counties, the notice shall include a description of the area annexed and two maps of the District showing the area annexed and the location address of the property nearest to the extended District boundary on each side of every street or road crossing the boundary.

ARTICLE III

ALLOCATION OF TAX

A. Allocation. In the administration of the Board's contracts with all districts that impose transactions and use taxes imposed under ordinances, which comply with Part 1.6 of Division 2 of the Revenue and Taxation Code:

1. Any payment not identified as being in payment of liability owing to a designated district or districts may be apportioned among the districts as their interest appear, or, in the discretion

of the Board, to all districts with which the Board has contracted using ratios reflected by the distribution of district taxes collected from all taxpayers.

2. All district taxes collected as a result of determinations or billings made by the Board, and all amounts refunded or credited may be distributed or charged to the respective districts in the same ratio as the taxpayer's self-declared district taxes for the period for which the determination, billing, refund, or credit applies.

B. Vehicles, Vessels, and Aircraft. For the purpose of allocating use tax with respect to vehicles, vessels, or aircraft, the address of the registered owner appearing on the application for registration or on the certificate of ownership may be used by the Board in determining the place of use.

ARTICLE IV **COMPENSATION**

The District agrees to pay to the Board as the Board's cost of administering the District Ordinance such amount as is provided for by law. Such amounts shall be deducted from the taxes collected by the Board for the District.

ARTICLE V **MISCELLANEOUS PROVISIONS**

A. Communications. Communications and notices may be sent by first class United States mail to the addresses listed below or to such other addresses as the parties may from time to time designate. A notification is complete when deposited in the mail.

Communications and notices to be sent to the Board shall be addressed to:

State Board of Equalization
P.O. Box 942879
Sacramento, California 94279-0032
Attention: Administrator, RAAS

Communications and notices to be sent to the District shall be addressed to:

Alameda County Transportation Commission
1111 Broadway, Suite 800
Oakland, CA 94607
Attention: Director of Finance and Administration

Unless otherwise directed, transmittals of payment of District transactions and use taxes will be sent to the address above.

B. Term. The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on April 1, 2015 with a transaction and use tax rate of one-half ($\frac{1}{2}$) of one percent through March 31, 2022. The transaction and use tax rate will increase to one (1) full percent effective April 1, 2022. This Agreement shall continue until December 31 next following the expiration date of the District Ordinance, and shall thereafter be renewed automatically from year to year until the Board completes all work necessary to the administration of the District Ordinance and has received all District Taxes and disbursed all payments due under that Ordinance.

C. Notice of Repeal of Ordinance. District shall give the Board written notice of the repeal of the District Ordinance not less than 110 days prior to the operative date of the repeal.

D. Notice of Tax Augmentation. District shall give the Board written notice of the augmentation of the existing one-half of one percent tax by an additional one-half of one percent not less than 6 months prior to the operative date of April 1, 2022.

ARTICLE VI
ADMINISTRATION OF TAXES IF THE
ORDINANCE IS CHALLENGED AS BEING INVALID

A. Impoundment of funds.

1. When a legal action is begun challenging the validity of the imposition of the tax, the District shall deposit in an interest-bearing escrow account (as specified by the District), any proceeds transmitted to it under Article II. C., until a court of competent jurisdiction renders a final and non-appealable judgment that the tax is valid.

2. If the tax is determined to be unconstitutional or otherwise invalid, the District shall transmit to the Board the moneys retained in escrow, including any accumulated interest, within ten days of the judgment of the trial court of competent jurisdiction in the litigation awarding costs and fees becoming final and non-appealable.

B. Costs of administration. Should a final and non-appealable judgment be rendered in a court of competent jurisdiction in the State of California, holding that District's Ordinance is invalid or void and requiring a rebate or refund to taxpayers of any taxes collected under the terms of this Agreement, the parties mutually agree that:

1. Board may retain all payments made by District to Board for the Board's services involved to prepare to administer the District Ordinance.

2. District will pay to Board and allow Board to retain Board's cost of administering the District Ordinance in the amounts set forth in Article IV of this Agreement.

3. District will pay to Board or to the State of California the amount of any taxes plus interest and penalties, if any, that Board or the State of California may be required to rebate or refund to taxpayers.

4. District will pay to Board its costs for rebating or refunding such taxes, interest, or penalties. Board's costs shall include its additional cost for developing procedures for processing the rebates or refunds, its costs of actually making these refunds, designing and printing forms, and developing instructions for Board's staff for use in making these rebates or refunds and any other costs incurred by Board which are reasonably appropriate or necessary to make those rebates or refunds. These costs shall include Board's direct and indirect costs as specified by Section 11256 of the Government Code.

5. Costs may be accounted for in a manner, which conforms to the internal accounting, and personnel records currently maintained by the Board. The billings for such costs may be presented in summary form. Detailed records will be retained for audit and verification by District.

6. Any dispute as to the amount of costs incurred by Board in refunding taxes shall be referred to the State Director of Finance for resolution and the Director's decision shall be final.

7. Costs incurred by Board in connection with such refunds shall be billed by Board on or before the 25th day of the second month following the month in which the judgment of a court of competent jurisdiction in the State of California holding District's Ordinance invalid or void becomes final. Thereafter Board shall bill District on or before the 25th of each month for all costs incurred by Board for the preceding calendar month. District shall pay to Board the amount of such costs on or before the last day of the succeeding month and shall pay to Board the total amount of taxes, interest, and penalties refunded or paid to taxpayers, together with Board costs incurred in making those refunds.

ALAMEDA COUNTY
TRANSPORTATION COMMISSION

STATE BOARD OF EQUALIZATION

By _____
Arthur L. Dao
Executive Director

By _____
Brian Manuel, Administrator
Return Analysis & Allocation Section

Exhibit A

Ordinance No. 2014-1

FULL TEXT OF MEASURE BB

ORDINANCE NO. 2014-1

AN ORDINANCE PROVIDING FOR AN EXTENSION OF AN EXISTING AND AUGMENTATION BY ONE-HALF OF ONE PERCENT OF ALAMEDA COUNTY'S TRANSACTIONS AND USE TAX UNTIL MARCH 31, 2045 BY THE ALAMEDA COUNTY TRANSPORTATION COMMISSION FOR TRANSPORTATION PURPOSES, FOR THE ISSUANCE OF LIMITED TAX BONDS, AND FOR OTHER PURPOSES

The Governing Body of the Alameda County Transportation Commission ("Alameda CTC") does ordain as follows:

**ARTICLE I
General**

Section 1. Title

This ordinance shall be known as the "Alameda County Transportation Commission Transaction and Use Tax Ordinance" and may also be referenced as the "Ordinance" herein. This ordinance shall be applicable in the incorporated and unincorporated territory of the County of Alameda.

Section 2. Period of Tax

This Ordinance is intended to extend and augment the imposition and collection in Alameda County of an existing one-half of one percent transactions and use tax for transportation purposes. The existing tax currently will expire as of March 31, 2022; this measure will extend the expiration of that tax to March 31, 2045. The Ordinance will also augment the tax by one-half of one percent which shall be imposed beginning at the close of polls on the day of the election at which the measure is adopted by two-thirds vote of the electors voting on the measure or as soon thereafter as the tax may be lawfully imposed until March 31, 2045, for a total tax of one percent.

Section 3. Purpose

Alameda CTC is the result of a merger of the Alameda County Transportation Improvement Authority, which formerly administered the existing half-cent transaction and use tax, and the Alameda County Congestion Management Agency, which was formerly responsible for long-range planning and programming of transportation funds. Pursuant to Division 19 of the Public Utilities Code (commencing with Section 180000), Alameda CTC, the Board of Supervisors and the cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro and Union City have approved the 2014 Transportation Expenditure Plan adopted by the Alameda CTC Governing Body and have recommended that a measure be submitted to the voters of the County for their endorsement which would, if passed, authorize Alameda CTC to augment by one half

of one percent and extend an existing one-half of one percent transactions and use tax scheduled to sunset in 2045, and authorize Alameda CTC to issue limited tax bonds to finance the transportation improvements set forth in the 2014 Transportation Expenditure Plan.

The purposes of this ordinance are as follows:

a) To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Revenue and Taxation Code Section 7291) of Division 2 of the Revenue and Taxation Code and Division 19 of the Public Utilities Code which directs the County Board of Supervisors to place the tax ordinance on the ballot for voter approval, exercising the taxing power granted to the Alameda CTC pursuant to Public Utilities Code Division 19, which shall be operative if a two-thirds majority of the electors voting on the measure vote to approve the imposition of the tax.

b) To adopt a retail transactions and use tax ordinance which incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

c) To adopt a retail transactions and use tax ordinance which imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Retail Transactions and Use Tax

d) To adopt a retail transactions and use tax ordinance which can be administered in a manner that will, to the greatest degree possible consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

e) To improve, construct, maintain, and operate certain transportation projects and facilities contained in the 2014 Transportation Expenditure Plan, which Plan is incorporated here by this reference as though fully set forth herein, and as that Plan may be amended from time to time pursuant to applicable law and as provided in the 2014 Transportation Expenditure Plan. Any amendment must be adopted by a two-thirds vote of the Alameda CTC Governing Body. All jurisdictions within the county will be given a minimum of 45 days to comment on any proposed Transportation Expenditure Plan amendment.

f) To set a term for the tax augmentation which will begin at the close of polls on the day of the election at which the measure is adopted by two-thirds vote of the electors voting on the measure or as soon thereafter as the tax may be lawfully imposed until March 31, 2045, and the extension of the existing transaction and use tax beginning April 1, 2022 through March 31, 2045.

Section 4. Contract with State.

Prior to the operative date, Alameda CTC shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided that, if Alameda CTC shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 5. Transactions Tax Rate

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in this County at the rate of an additional one-half of one percent until March 31, 2045, which tax shall be imposed concurrently with the existing one-half percent tax, of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this County on and after the operative date. This tax shall be imposed through March 31, 2045.

Section 6. Place of Sale.

For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or its agent to an out of state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 7. Use Tax Rate .

An excise tax is hereby imposed on the storage, use or other consumption in this County of tangible personal property purchased from any retailer on and after the operative tax date for storage, use or other consumption in this County at the rate of an additional one-half of one percent until March 31, 2045, which tax shall be imposed concurrently with the existing one-half percent tax, of the sales price of the property until March 31, 2045. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 8. Adoption of Provisions of State Law.

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code (commencing with Section 6001), all of the provisions of Part 1 of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 9. Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of Alameda CTC shall be substituted therefor. The substitution, however, shall not be made when:

1The word State is used as part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California

2The substitution would require action to be taken by or against Alameda CTC or any agency, officer or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this ordinance;

3The substitution shall not be made in those sections, including, but not necessarily limited to, sections referring to the exterior borders of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remains subject to tax by the State under the Provisions of Part 1 of Division 2 of the Revenue and Taxation Code; or

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not remain subject to tax by the state under the said provisions of that code

4. The substitution shall not be made in sections 6701, 6702, (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The name of the County shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 10. Permit Not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Section 11. Exemptions, Exclusions and Credits.

a) There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

b) There are exempted from the computation of the amount of transactions tax gross receipts from:

1) Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside Alameda County and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

2) Sales of property to be used outside the County which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or its agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:

(i) with respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code, by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his principal place of residence, and

(ii) with respect to commercial vehicles by registration to a place of business out-of-county, and a declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3) The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4) A lease of tangible personal property which is a continuing sale of such property for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5) For the purposes of subsections (3) and (4), the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

c) There is exempted from the use tax imposed by this ordinance the storage, use or other consumption in this County of tangible personal property:

1) The gross receipts from the sale of which have been subject to a transactions tax under any state administered transactions and use tax ordinance.

2) Other than fuel or petroleum products, purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3) If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4) if the possession of, or the exercise of any right or power over, tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5) For the purposes of subsections (3) and (4), storage, use or other consumption, or possession, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time during which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6) Except as provided in subparagraph (7), a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of

business or the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

7) "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) or the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

d) Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district or retailer imposing, or retailer liable for, a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 12. Propositions.

There shall be proposed to the voters of Alameda County the following proposition:

"Shall voters authorize implementing the Alameda County 30 year Transportation Expenditure Plan to:

- Expand and modernize BART in Alameda County;
- Improve transit connections to jobs and schools;
- Fix roads, improve highways and increase bicycle and pedestrian safety;
- Reduce traffic congestion and improve air quality;
- Keep senior, student, and disabled fares affordable?

Approval augments by ½ cent and extends the existing County sales tax, with independent oversight and audits. All money will benefit local residents."

Section 13. Limitation on Issuance of Bonds.

Unless approved by the Alameda CTC Governing Body and by the voters, Alameda CTC shall not have outstanding at any one time in excess of \$1,000,000,000 in limited tax bonds.

Section 14. Use of Proceeds.

The proceeds of the transaction and use tax imposed by this ordinance shall be used solely for the projects and purposes set forth in the 2014 Transportation Expenditure Plan, as it may be amended from time to time, and for the administration thereof.

Section 15. Appropriations Limit.

For purposes of Article XIII B of the State Constitution, the appropriations limit for Alameda CTC for fiscal year 2014-2015 and thereafter, including activities, projects and

programs funded by the transaction and tax authorized hereby along with activities, projects and programs funded by other local, state and federal funds, shall be \$800,000,000, unless that amount is amended pursuant to applicable law.

Section 16. Amendments.

All amendments subsequent to the effective date of this ordinance to Part I of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendment to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance; provided, however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 17. Enjoining Collection Forbidden

Any action or proceedings in any court questioning the validity of the adoption of this transactions and use tax ordinance or issuance of any bonds thereunder or any proceeding related thereto shall commence within six months from the date of the election at which this ordinance is approved. Otherwise, the bonds and all proceedings related thereto, including the adoption and approval of this ordinance, shall be held valid and in every respect legal and incontestable.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or Alameda CTC, or against any officer of the State or Alameda CTC, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 18. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 19. Effective Date.

This ordinance relates, in substantial part, to the continuation and expansion of the authority for Alameda CTC to levy and collect the transactions and use taxes to support the 2014 Transportation Expenditure Plan and shall take effect at the close of the polls on the day of election at which the proposition is adopted by two-thirds vote of the electors voting on the measure, or as soon thereafter as the tax may be lawfully imposed.

PASSED AND ADOPTED by the Members of the Alameda County Transportation Commission on June 26, 2014 by the following vote:

AYES: 25
NOES: 0
EXCUSED: 2

ATTEST: , Clerk
of Alameda CTC

s/_____

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RESOLUTION NO. 15-001**A RESOLUTION OF THE ALAMEDA COUNTY TRANSPORTATION COMMISSION
AUTHORIZING ITS EXECUTIVE DIRECTOR TO EXECUTE
AGREEMENTS WITH THE STATE BOARD OF EQUALIZATION FOR
IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX**

WHEREAS, on June 26, 2014, the Alameda County Transportation Commission approved Ordinance No. 2014-1 providing for an extension of and existing and augmentation by one-half of one percent of Alameda County's local transactions and use tax until March 31, 2045; and

WHEREAS, the voters of Alameda County approved said Ordinance as Measure BB on the November 4, 2014 ballot; and

WHEREAS, the State Board of Equalization (Board) administers and collects the transactions and use taxes for all applicable jurisdictions within the state; and

WHEREAS, the Board will be responsible to administer and collect the transactions and use tax for the Alameda County Transportation Commission; and

WHEREAS, the Board requires that the Alameda County Transportation Commission enter into a "Preparatory Agreement" and an "Administration Agreement" prior to implementation of said taxes, and

WHEREAS, the Board requires that the governing body of the Alameda County Transportation Commission authorize the agreements;

NOW, THEREFORE BE IT RESOLVED by the Alameda County Transportation Commission that the attached "Preparatory Agreement" and "Administrative Agreement" are hereby approved and the Executive Director is hereby authorized to execute each agreement.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the governing body of the Alameda County Transportation Commission held on January 29, 2015, by the following vote, to wit:

AYES: _____

NOES: _____

ABSENT: _____

DATED: _____

ATTEST: (s) _____
Vanessa Lee, Clerk of the Commission



Memorandum

5.2

1111 Broadway, Suite 800, Oakland, CA 94607 • PH: (510) 208-7400 • www.AlamedaCTC.org

DATE: January 5, 2014

SUBJECT: Alameda CTC 2015 Meeting Schedule

RECOMMENDATION: Approve the Alameda CTC meeting schedule for the 2015 Calendar year

Summary

Per the Alameda County Transportation Commission (Alameda CTC) administrative code, the Alameda CTC adopts its schedule of regular meetings at its annual organization meeting each January. The schedule outlines the meetings in a calendar format for the full Commission in addition to standing committee meetings including: I-580 Express Lane Policy Committee (I-580 PC); Planning, Policy and Legislation Committee (PPLC); Programs and Policy Committee (PPC); and Finance and Administration Committee (FAC). Ad-hoc and steering committee meeting schedules are developed at the discretion of the Commission and are noticed in accordance with California Government Code Section 54950.

Background

Pursuant to Section 4.2.10 of the Alameda CTC Administrative Code, the Commission shall adopt the schedule of regular meetings of the Commission and the Standing Committees for the upcoming year at its January organizational meeting. The Commission and each Standing Committee may change the date for a regular meeting of such body to another business day if the regular date is a holiday or as otherwise determined by the Commission or such Standing Committee.

Fiscal Impact:

There is no fiscal impact associated with the approval of this item.

Attachments

- A. Alameda CTC 2015 Meeting Schedule

Staff Contact

[Art Dao](#), Executive Director

[Vanessa Lee](#), Clerk of the Commission

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(Second Monday of the Month)	(Fourth Thursday of the Month)
I-680 JPA I-580 PC PPLC PPC FAC	ACTC COMMISSION
January 12, 2015	January 29, 2015
February 9, 2015	February 26, 2015
March 9, 2015	March 26, 2015
April 13, 2015	April 23, 2015
May 11, 2015	May 28, 2015
June 8, 2015	June 25, 2015
July 13, 2015	July 23, 2015
August Summer Recess	August Summer Recess
September 14, 2015	September 24, 2015
October 12, 2015	October 22, 2015
November 9, 2015	No November Commission Meeting
No December Committee Meeting	December 3, 2015

Meetings	Meeting Time
I-680 Sunol Smart Carpool Lane Joint Powers Authority Board (I-680 JPA Board)	9:30 AM
I-580 Policy Committee (I-580 PC)	10:00 AM
Planning, Policy & Legislation Committee (PPLC)	10:30 AM
Programs and Projects Committee (PPC)	12:00 PM
Finance and Administration Committee (FAC)	1:30 PM
Alameda County Transportation Commission Meeting (Commission)	2:00 PM

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Memorandum

5.3

1111 Broadway, Suite 800, Oakland, CA 94607

PH: (510) 208-7400

www.AlamedaCTC.org

DATE: January 5, 2015

SUBJECT: FY2015-16 Administration Support Professional Services Contracts Plan and Amendment to the FY2014-15 Administration Support Professional Services Contracts Plan

RECOMMENDATION: Approve the FY2015-16 Administration Support Professional Services Contracts Plan and Amendment to the FY2014-15 Administration Support Professional Services Contracts Plan.

Summary

The Alameda CTC contracts on a periodic basis with a number of professional services consultant firms to assist staff in providing a range of general administration services, including, but not limited to, general counsel, legislative advocacy, planning development, outreach, technical assistance, project and program-wide management, and administrative support services. Involvement of the private sector is critical to the success of Alameda CTC and its work in delivering effective, high quality transportation programs and projects in Alameda County.

Staff recommends that the Commission approve the renewal of six contracts with existing professional services consultant firms that are set to expire on June 30, 2015, and authorization to amend the FY2014-15 Administration Support Professional Services Contracts Plan.

Specifically, this recommendation will:

- A. Authorize the Executive Director to enter into negotiations and execute professional services contracts with existing consultant firms for FY2015-16 for the following services:
 1. General counsel services
 2. Information technology services
 3. Contract equity support services
 4. Media and public relations services
 5. Paratransit coordination services
 6. Project management and project controls services
- B. Authorize the Executive Director to execute amendments to existing professional services contracts for FY2014-15 as follows:

1. Amendment No. 1 to Professional Services Agreement No. A14-0016 with Moore Iacofano Goltsman, Inc. for media and public relations services for an additional not-to-exceed amount of \$75,000;
2. Amendment No. 1 to Professional Services Agreement No. A14-0014 with Wendel, Rosen, Black & Dean, LLP for an additional not-to-exceed amount of \$570,000, for more intensive and specialized legal counsel services (such as eminent domain proceedings) for the delivery of specific, complex capital projects under the Commission's purview; and,
3. Amendment No. 2 to Professional Services Agreement No. A12-0031 with Hatch Mott MacDonald, LLC for project management and project controls services for a not-to-exceed amount of \$1,100,000.

C. Authorize the Executive Director, or his designee, to issue Request for Proposals (RFP) for the 2016 Countywide Transportation Plan and Overall Monitoring Services, and negotiate and execute Professional Services Agreements with the top-ranked firms.

Background

The Commission contracts with a number of consultant firms for administration services. In January of each year, staff outlines the proposed action plan to seek authorization from the Finance and Administration Committee and the Commission regarding continuation and/or modification of contracts, or initiating a competitive bid process to consider new firms to provide specific services.

The background and recommendations for each of the administration support professional services contracts are discussed below and summarized in Table 1 (Attached).

1. General Counsel Services – General counsel services for Alameda CTC include representation at Committee and Commission meetings, review of contracts and agreements, counseling on personnel related matters, guidance on ongoing eminent domain activities, as well as other general counsel services. Wendel, Rosen, Black & Dean, LLP, an Alameda CTC certified Local Business Enterprise (LBE) firm with offices in Oakland, California, was awarded a contract in 2012 through a competitive bid process to provide these services. The value of the current contract, which covers the period from July 1, 2014 to June 30, 2015, is \$700,000 and approximately 25% of the contract value is allocated specifically to cover Right of Way efforts for two projects: the I-880 North Safety and Operational Improvements at 23rd and 29th Avenues (APN 717.0) and Route 84 Expressway - South Segment (APN 624.2). The complexity of the cases associated with these two projects has required additional mediation and expert witness costs; including real property appraisers, goodwill appraisers, and mineral appraisers. An estimated \$570,000 of additional budget is required for the current fiscal year to secure the necessary experts to acquire the real property interests necessary for the projects and to limit Alameda CTC's exposure by proactively bringing these cases to an expeditious close.

Staff recommends approval of Amendment No. 1 to Professional Services Agreement No. A14-0014 with Wendel, Rosen, Black & Dean, LLP for general counsel services for an additional not-to-exceed amount of \$570,000 and authorization to enter into negotiations and execute a professional services contract with Wendel, Rosen, Black & Dean, LLP for general counsel services through June 30, 2016.

2. Information Technology (IT) Services – Information technology services include remote network hosting and management of the local area network, upgrade and maintenance of the central servers and workstations, and on-call IT support services. Novani, LLC was awarded a contract in 2011 through a competitive bid process. The value of the current contract, which covers the period from July 1, 2014 to June 30, 2015, is \$115,100, of which approximately 17% of the contract value is to cover “hard” costs for equipment upgrades and replacements.

Staff recommends authorization to enter into negotiations and execute a professional services contract with Novani, LLC for Information Technology Services through June 30, 2016.

3. Contract Equity Support Services – Contract equity support services include coordination and administration of Alameda CTC’s Local Business Contract Equity Program, including processing of Local Business Enterprise, Small Local Business Enterprise, and Very Small Local Business Enterprise certifications, assistance with contract-specific goals determination, providing independent review of contract payment data for compliance with the Program, contract outreach to businesses, contract monitoring, and as-needed technical assistance. L. Luster & Associates, Inc. was awarded a contract in 2008 through a competitive bid process to provide these services. The value of the current contract, which covers the period from July 1, 2014 to June 30, 2015, is \$75,000.

These services are currently scheduled for a formal bid process under the Alameda CTC Procurement Policy; however, due to the recent passage of Measure BB, staff anticipates a significant workload increase in FY2015-16 and recommends authorization to enter into negotiations and execute a professional services contract with L. Luster & Associates, Inc. for contract equity support services through June 30, 2016, to minimize disruption in services.

4. Media and Public Relations Services – Media and Public Relations Services include communications and public relations services, hosting and maintaining of the Alameda CTC website, preparing press and other public materials, assisting staff at public meetings and events, providing staff training, and supporting the implementation of the Alameda CTC Strategic Communications Plan. Moore Iacofano Goltsman, Inc. (MIG), an Alameda CTC certified LBE firm with offices in Berkeley, California, was awarded a contract in 2011 through a competitive bid process. The value of the current contract, which covers the period from July 1, 2014 to June 30, 2015, is \$149,112. An estimated

\$75,000 of additional budget is required for the current fiscal year in order to undergo a review of existing agency Title VI and environmental justice policies and procedures and develop new materials and processes to ensure compliance with federal law, regulations and policies.

Staff recommends approval of Amendment No. 1 to Professional Services Agreement No. A14-0016 with Moore Iacofano Goltsman, Inc. for media and public relations services for an additional not-to-exceed amount of \$75,000 and authorization to enter into negotiations and execute a professional services contract with Moore Iacofano Goltsman, Inc. for media and public relations services through June 30, 2016.

5. Paratransit Coordination Services – Paratransit coordination services include meeting facilitation and coordination, administration and coordination of Measure B and Federal grants funding, outreach services, coordination of Alameda CTC's Mobility Management Planning Program, and general technical assistance. Nelson/Nygaard Consulting Associates, an Alameda CTC certified LBE firm with an office in Oakland, California, has provided these services since 2009. The value of the current contract, which covers the period from July 1, 2014 to June 30, 2015, is \$360,500.

These services are currently scheduled for a formal bid process under the Alameda CTC Procurement Policy; however, due to the recent passage of Measure BB, staff anticipates a significant workload increase in FY2015-16 and recommends authorization to enter into negotiations and execute a professional services contract with Nelson\Nygaard Consulting Associates for paratransit coordination services through June 30, 2016.

6. Project Management and Project Controls Services – Project Management and Project Controls team's function is to provide project management, monitoring, and controls to ensure the efficient, effective, and successful delivery of Alameda CTC's programs and capital projects. These services also include, but are not limited to, utility and right-of-way coordination, programming and grant management, and other related management activities. Hatch Mott MacDonald, LLC, an Alameda CTC certified LBE firm with offices in Pleasanton, California, was awarded a contract in 2012 through a competitive bid process to provide these services. The value of the current contract, which covers the period from July 1, 2014 to June 30, 2015, is \$4,173,749. An estimated \$1,100,000 of additional budget is required for the current fiscal year to support the implementation new projects and programs included in the Measure BB Transportation Expenditure Plan. Additional tasks include developing programming and allocations process for various TEP expenditures, setting up project controls framework for the new Measure BB funds, developing project and programs financial plans, and project management.

Staff recommends approval of Amendment No. 2 to Professional Services Agreement No. A12-0031 with Hatch Mott MacDonald, LLC for project management and project

controls services for an additional not-to-exceed amount of \$1,100,000 and authorization to enter into negotiations and execute a professional services contract with Hatch Mott MacDonald, LLC for project management and project controls services through June 30, 2016.

7. 2016 Countywide Transportation Plan – Alameda CTC is required to develop and update a long-range countywide transportation plan (CTP) for Alameda County to document existing and future conditions, identify gaps and opportunities for transportation improvements and to provide a framework for future transportation investments in Alameda County and to serve as a document to advocate for changes, as necessary, to transportation policy, legislation and funding. Alameda CTC updates the CTP every four years within a timeframe for incorporation into the Regional Transportation Plan (RTP). The last Alameda CTC CTP was approved in June 2012. This RFP will be for the development of the 2016 CTP, with an anticipated Alameda CTC approval of the countywide plan in June 2016, which will be in time for incorporation of Alameda County projects and programs into the 2017 update of the RTP. MTC updated the guidelines for development of CTPs in September 2014 and the update to the Alameda CTC CTP will be in accordance with the new guidelines.
8. Overall Transportation Monitoring Services – As required by the Congestion Management Program (CMP) legislation, Alameda CTC must update its CMP every two years to address the following five elements of the CMP: Level of Service standards, multi-modal performance, travel demand management, land use analysis and development of a Capital Improvement Program. Currently, Alameda CTC has several separate contracts to perform transportation system monitoring. In order to more effectively integrate monitoring efforts into future planning and funding decisions, Alameda CTC will incorporate all the monitoring efforts into a single contract. This includes, but is not limited to LOS monitoring of the CMP roadway network, bicycle and pedestrian counts, and monitoring required as part of the multi-modal performance monitoring efforts.

Fiscal Impact

The fiscal impact for approving the three contract amendments is \$1,745,000, and the two contracts recommended for an RFP process is anticipated to be negotiated and executed prior to the end of the current fiscal year. The final budgets of the FY2014-15 Administration Support Professional Services Contracts Plan amendment will be included in the Alameda CTC's consolidated fiscal year 2014-15 proposed mid-year budget update for Commission approval. The six contracts renewals recommended under the FY2015-16 Administration Support Professional Services Contracts Plan will be negotiated and the final budget will be included in the Alameda CTC's consolidated FY2015-16 proposed budget for Commission approval.

Attachment

- A. Table 1 – Summary of Administration Support Professional Services Contracts Plan

Staff Contact

[Seung Cho](#), Contracting, Administration and Fiscal Resource Manager

[Patricia Reavey](#), Director of Finance

TABLE 1 – SUMMARY OF ADMINISTRATION SUPPORT PROFESSIONAL SERVICES CONTRACTS PLAN					
Services	Current Firm	Contract Budget for FY 2014-15	Year of Last RFP Issuance	Recommended Action	
General Counsel Services	Wendel, Rosen, Black & Dean, LLP	\$700,000	2012	Amendment No. 1 for \$570,000 and 1 Year Renewal	
Information Technology Services	Novani, LLC	\$115,100	2011	1 Year Renewal	
Contract Equity Support Services	L. Luster & Associates, Inc.	\$75,000	2008	1 Year Renewal	
Media and Public Relations Services	Moore Iacofano Goltsman, Inc.	\$149,112	2011	Amendment No. 1 for \$75,000 and 1 Year Renewal	
Paratransit Coordination Services	Nelson\Nygaard Consulting Associates	\$360,500	2009	1 Year Renewal	
Project Management and Project Controls Services	Hatch Mott MacDonald, LLC	\$4,173,749	2012	Amendment No. 2 for \$1,100,000 and 1 Year Renewal	
2016 Countywide Transportation Plan	TBD	--	--	Issue RFP	
Overall Monitoring Services	TBD	--	--	Issue RFP	

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