



# Meeting Notice

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• [www.AlamedaCTC.org](http://www.AlamedaCTC.org)

## **Commission Chair**

Vice Mayor Rebecca Kaplan,  
City of Oakland

## **Commission Vice Chair**

Mayor Bill Harrison,  
City of Fremont

## **AC Transit**

Director Elsa Ortiz

## **Alameda County**

Supervisor Scott Haggerty, District 1  
Supervisor Richard Valle, District 2  
Supervisor Wilma Chan, District 3  
Supervisor Nate Miley, District 4  
Supervisor Keith Carson, District 5

## **BART**

Director Rebecca Saltzman

## **City of Alameda**

Mayor Trish Spencer

## **City of Albany**

Mayor Peter Maass

## **City of Berkeley**

Councilmember Laurie Capitelli

## **City of Dublin**

Mayor David Haubert

## **City of Emeryville**

Councilmember Ruth Atkin

## **City of Hayward**

Mayor Barbara Halliday

## **City of Livermore**

Mayor John Marchand

## **City of Newark**

Councilmember Luis Freitas

## **City of Oakland**

Councilmember Dan Kalb

## **City of Piedmont**

Mayor Margaret Fujioka

## **City of Pleasanton**

Mayor Jerry Thorne

## **City of San Leandro**

Mayor Pauline Cutter

## **City of Union City**

Mayor Carol Dutra-Vernaci

## **Executive Director**

Arthur L. Dao

## **Independent Watchdog Committee**

**Monday, March 14, 2016, 5:30 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.

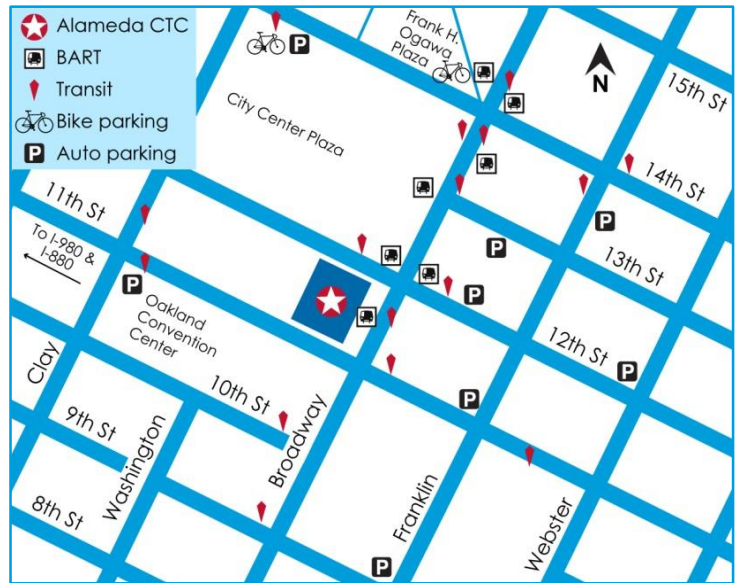
### **Glossary of Acronyms**

A glossary that includes frequently used acronyms is available on the Alameda CTC website at [www.AlamedaCTC.org/app\\_pages/view/8081](http://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](http://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](http://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](http://www.AlamedaCTC.org/events/month/now).

## Connect with Alameda CTC

[www.AlamedaCTC.org](http://www.AlamedaCTC.org)



[facebook.com/AlamedaCTC](https://facebook.com/AlamedaCTC)

[@AlamedaCTC](https://twitter.com/AlamedaCTC)

[youtube.com/user/AlamedaCTC](https://youtube.com/user/AlamedaCTC)



# Independent Watchdog Committee Meeting Agenda Monday, March 14, 2016, 5:30 p.m.\*

\*Earlier time for audit and compliance report review

1111 Broadway, Suite 800, Oakland, CA 94607

510.208.7400

www.AlamedaCTC.org

## SPECIAL ANNUAL COMPLIANCE REVIEW

**Chair:** Murphy McCalley  
**Vice Chair:** Miriam Hawley  
**Staff Liaisons:** Patricia Reavey  
**Public Meeting Coordinator:** Angie Ayers

5:30 – 5:45 p.m. John Nguyen	<b>1. Measure B and Measure BB Audit Report and Program Compliance Report Review Orientation Workshop</b>	<b>Page</b> 1	<b>A/I</b> 
5:45 – 6:30 p.m. John Nguyen	<b>2. Measure B and Measure BB FY2014-15 Audit Report and Program Compliance Report Review</b> (link to reports listed below) <a href="http://www.alamedactc.org/app_pages/view/4135">http://www.alamedactc.org/app_pages/view/4135</a>		

## REGULAR MEETING AGENDA (immediately follows compliance review)

6:30 – 6:35 p.m. Murphy McCalley	<b>1. Welcome and Call to Order</b>		
6:35 – 6:40 p.m. Public	<b>2. Public Comment</b>		
6:40 – 6:45 p.m. Murphy McCalley	<b>3. IWC Meeting Minutes</b>		
	<b>3.1.</b> Approval of November 9, 2015 IWC Meeting Minutes	15	A
	<b>3.2.</b> Approval of January 11, 2016 IWC Meeting Minutes	23	A
6:45 – 6:50 p.m. Patricia Reavey	<b>4. Establishment of IWC Annual Report Ad Hoc Subcommittee</b> (schedule first Ad Hoc Subcommittee meeting for March or early April)		A
6:50 – 6:55 p.m. IWC Members	<b>5. Projects and Programs Watchlist</b> (sign up for projects and programs) – Handout at meeting		
6:55 – 7:20 p.m. IWC Members	<b>6. IWC Member Reports/Issues Identification</b>		
	<b>6.1.</b> Chair Report (Verbal)		
	<b>6.2.</b> IWC Issues Identification Process and Form	37	A/I

- |             |   |    |     |
|-------------|---|----|-----|
| <b>6.3.</b> | Issues Discussion: Issues Form Submitted for IWC Review to Investigate the Use of Measure B Funds for "Consider the Future" Outreach and Legal Invoices from Wendel Rosen | 41 | A/I |
|-------------|---|----|-----|

7:20 – 7:30 p.m.  
Staff

**7. Staff Reports**

- |             |  |    |   |
|-------------|--|----|---|
| <b>7.1.</b> | Staff Responses to IWC Requests for Information: New Email Address for IWC Members<br><a href="mailto:independentwatchdog@alamedactc.org">independentwatchdog@alamedactc.org</a> |    |   |
| <b>7.2.</b> | IWC Calendar FY2015-16   | 45 | I |
| <b>7.3.</b> | IWC Roster   | 47 | I |

7:30 p.m.  
Murphy McCalley

**8. Adjournment/Next Meeting**  
Monday, July 11, 2016



# Memorandum

1.0

1111 Broadway, Suite 800, Oakland, CA 94607

• PH: (510) 208-7400

• [www.AlamedaCTC.org](http://www.AlamedaCTC.org)

**DATE:** March 7, 2016

**SUBJECT:** Measure B and Measure BB Direct Local Distribution Audited Financial Statements and Program Compliance Reports Review Orientation Workshop

**RECOMMENDATION:** Receive an orientation on Fiscal Year 2014-15 Compliance Reporting Review Process

## Summary

Each year, Measure B and Measure BB Direct Local Distribution (DLD) fund recipients are required to submit to Alameda CTC Audited Financial Statements and Compliance Reports that summarize the prior fiscal year's expenditures and fund balances. This year's compliance reporting period is for FY2014-15. All recipients' reports for this reporting period were received by the December deadline and posted to the Alameda CTC website. The Independent Watchdog Committee (IWC) will review these reports for compliance with the 2000 Measure B and 2014 Measure BB Expenditure Plans' requirements.

Alameda CTC staff developed a Program Compliance Review Guide to assist members during their review process. This guidance document serves as a "reviewer's toolkit" for assessing the recipient's end-of-year financial statements and compliance reports.

## Background

A portion of Measure B and Measure BB sales tax revenues are distributed by a formula outlined in the Transportation Expenditure Plans (TEP) directly to twenty eligible jurisdictions as DLDs. These distributions provide support for locally identified transportation improvements among the recipient's local transportation, bicycle/pedestrian, mass transit, and paratransit programs. In 2012 and 2015, Alameda CTC and the recipients entered into Master Programs Funding Agreements (MPFAs), which authorized the distribution of DLD funds to the recipients and specified expenditure and reporting requirements. Each year, recipients are required to submit Audited Financial Statements and Compliance Reports to confirm Measure B/BB annual receipts, expenditures and the completion of reporting obligations.

Recipients' Audited Financial Statements and Compliance Reports for the FY2014-15 reporting period were due to the Alameda CTC by December 31, 2015. Alameda CTC

conducted a preliminary review of the submitted reports, and some recipients were requested to revise their reports to address data reporting issues or financial discrepancies between the Audited Financial Statements and Compliance Reports. The finalized reports are available on Alameda CTC's website:

[http://www.alamedactc.org/app\\_pages/view/4135](http://www.alamedactc.org/app_pages/view/4135). Hardcopies are also available for examination at Alameda CTC's offices upon request.

In March, the IWC will review the recipient's submittals for adherence to the expenditure requirements mandated by the 2000 Measure B TEP and the 2014 TEP for Measure B and Measure BB, respectively. The TEPs do not specify how the IWC should participate in the annual compliance report review process. Therefore, through ongoing experience from prior reviews, the attached Program Compliance Review Guide (*Attachment A*) was developed to describe the review process, defines terms and serve as a guide for IWC members through the compliance reporting structure. Historically, the IWC has focused its review on expenditures identified in the Audited Financial Statements and Program Compliance Reports for accuracy, expenditure eligibility and completeness.

IWC inquiries on the recipient's compliance reports are due to the Alameda CTC by April 1, 2016. Inquiries should be submitted via the provided comments worksheet (*Attachment B*) to the Alameda CTC staff contact identified below. Alameda CTC will forward the inquiries to the recipients, and the responses will be brought back to the next IWC meeting in July. The review schedule is as follows:

<b>Program Compliance Review Schedule</b>	
By December 31, 2015	Recipients' Audited Financial Statements and Compliance Reports Due
January 2016	Alameda CTC reviews and requests revisions to the recipient reports (as necessary).
February 2016	Recipients submit revised reports; revised reports posted onto Alameda CTC's website.
March 14, 2016 (IWC Meeting)	Program Compliance Review Orientation Workshop <ul style="list-style-type: none"> <li>• Staff provides general review guidance</li> <li>• Hardcopies of reports made available</li> </ul>
<b>April 1, 2016</b>	<b>IWC comments due to Alameda CTC</b>
April 2016	IWC comments forwarded to recipients for response
June/July 2016	IWC receives response to comments and summary report

**Fiscal Impact:** There is no fiscal impact.

## Attachments

- A. Program Compliance Review Guide
- B. IWC Program Compliance Comments Form

## Staff Contact

[John Nguyen](#), Senior Transportation Planner – [jnguyen@alamedactc.org](mailto:jnguyen@alamedactc.org)



**Measure B and Measure BB  
Program Compliance Review Guide  
For Fiscal Year 2014-15**

**1.1 Purpose**

Appointees to the Alameda County Transportation Commission (Alameda CTC) Independent Watchdog Committee have a voter-approved mandate to perform certain duties related to the expenditure of tax monies collected under Measure B and Measure BB, Alameda County's transportation sales tax programs, which voters approved in 2000 and in 2014.

The Measure B and Measure BB Expenditure Plans describe the makeup of the IWC membership as well as its overarching goal. However, it does not specify how the IWC participates in the annual compliance report review process. The purpose of this guidance is to provide detail about the current approach to the IWC review process and to guide members through the review process.

**1.2 Scope**

Alameda CTC entered into Master Programs Funding Agreements with local jurisdictions and transit agencies who are eligible to receive Measure B and Measure BB Direct Local Distribution (DLD) funds. The agreement requires the recipients to report on their expenditures annually. Fund recipients report on their expenditures in four program areas:

1. Bicycle and Pedestrian Safety
2. Local Transportation (local streets and roads)
3. Mass Transit
4. Special Transportation for Seniors and People with Disabilities (Paratransit)

Each DLD fund recipient submits an annual Audited Financial Statement and Compliance Report to Alameda CTC by the end of December. Beginning in the spring, the IWC and Alameda CTC staff reviews these Audited Financial Statements and reports to determine whether or not the recipient is in compliance. Alameda CTC staff analyzes the data from the Audited Financial Statements and compliance reports, coordinates with local jurisdictions to ensure compliance, and develops a summary report for the Commission. The IWC also reviews the data, submits questions for jurisdictions, and uses this data to generate an Annual Report to the public in the summer.

**1.3 Definitions**

- A. **Alameda County Transportation Commission (Alameda CTC or "Commission"):** Alameda CTC is a joint powers authority resulting from the merger of the Alameda County Congestion Management Agency (ACCMA) and the Alameda County Transportation Improvement Authority (ACTIA). The 22-member Commission is comprised of the following representatives: all five Alameda County Supervisors, two City of Oakland representatives, one representative from each of the other 13 cities in Alameda County, a representative from Alameda-Contra Costa Transit District (AC Transit), and a representative from San Francisco Bay Area Rapid Transit District (BART).

- B. **Alameda County Transportation Improvement Authority (ACTIA):** The governmental agency previously responsible for the implementation of the Measure B half-cent transportation sales tax in Alameda County, as approved by voters in 2000 and implemented in 2002. Alameda CTC has now assumed all responsibilities of ACTIA.
- C. **Audited Financial Statements:** Annual, independent Audited Financial Statements commissioned by each agency or jurisdiction that receives Measure B and Measure BB Direct Local Distribution funds.
- D. **Compliance Report:** A report submitted to Alameda CTC by Measure B and Measure BB Direct Local Distribution fund recipients annually. The compliance report details Measure B revenues and expenditures, and facilitates annual reporting for each program. Alameda CTC creates the template form for this report.
- E. **Compliance Workshop:** A mandatory public workshop that Alameda CTC holds each fall to educate Measure B and Measure BB fund recipients on their annual compliance reporting requirements. Staff presents the compliance report form, explains the preferred audit language, and answers questions.
- F. **Direct Local Distributions:** A percentage of formula funds that are distributed to local agencies for their local transportation improvements within four programs: bicycle/pedestrian, local transportation, mass transit and paratransit.
- G. **Fiscal year:** A period of time used for calculating financial statements or budgets in business and other organizations. The Alameda CTC has determined their financial year to be July 1 through June 30.
- H. **Measure B and Measure BB Programs:** Transportation or transportation-related programs specified in the 2000 and 2014 Expenditure Plans that receives funding on a percentage-of-revenues formula basis, or through a discretionary grant program.
- I. **Recipient:** Measure B and Measure BB fund recipients that have signed a Master Programs Funding Agreement (MPFA) with Alameda CTC. Alameda CTC distributes Measure B and Measure BB Direct Local Distribution Funds to twenty (20) agencies. This includes six (6) local transit agencies (AC Transit, Altamont Commuter Express (ACE), Bay Area Rapid Transit District (BART), Livermore Amador Valley Transit Authority (LAVTA), Union City Transit (part of Union City), and Water Emergency Transportation Authority (WETA)); fourteen (14) local jurisdictions (cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City); and Alameda County.
- J. **Review:** An examination of recipients' audit report and compliance report submissions for conformance of expenditures for Measure B/BB transportation programs and other contract-related requirements.

#### 1.4 Responsibilities

The IWC is responsible for keeping the public informed about the progress of Measure B and Measure BB-funded programs and projects and the appropriate use of the funds. This responsibility is primarily



exercised by reviewing and reporting on the financial statements and compliance submissions from the participating local transportation agencies and jurisdictions and Alameda County. Each year, the IWC produces an Annual Report to the Public summarizing its findings on sale tax expenditure activities.

Review and reporting structure includes the following.

- A. IWC: The IWC conducts the review of audited financial statements and reports. IWC members may submit questions on the recipients' submitted reports to staff to request clarification from the recipient on their expenditures.
- B. Alameda CTC staff: Staff makes all compliance reports and audits public by posting them to the Alameda CTC website, reviews the reports and audits, and facilitates inquiries to the recipient's regarding their reports. Alameda CTC staff also works collaboratively with IWC members to prepare the Annual Report to the Public.

## 1.5 Review Process

The IWC members and Alameda CTC staff reviews the Audited Financial Statements and compliance report and cross checks them against each other to verify data accuracy and to ensure they are complete. The compliance review process follows a timeline detailed below.

### 1.5.1 Timeline

For fiscal year 2014-2015 reporting, the timeline is as follows:

Program Compliance Review Schedule	
By December 31, 2015	Recipients' Audited Financial Statements and Compliance Reports Due
January 2016	Alameda CTC reviews and requests revisions to the recipient reports <i>(as necessary)</i> .
February 2016	Recipients submit revised reports; revised reports posted onto Alameda CTC's website.
March 14, 2016 (IWC Meeting)	Program Compliance Review Orientation Workshop <ul style="list-style-type: none"> <li>• Staff provides general review guidance</li> <li>• Hardcopies of reports made available</li> </ul>
April 1, 2016	IWC comments due to Alameda CTC
April 2016	IWC comments forwarded to recipients for response
June/July 2016	IWC receives response to comments and summary report

### 1.5.2 Audited Financial Statement Review

IWC members and Alameda CTC staff review each set of Audited Financial Statements to assess that:

- A. The Audited Financial Statements indicate that the jurisdiction has separate accounting and reporting for each type of Measure B and Measure B funds received.
- B. All fund transfers are explained.

- C. Alameda CTC received the report within 180 days of the fiscal year-end.
- D. The Audited Financial Statements contain an opinion offered by the auditor stating that the fund recipient is in compliance with Measure B requirements.
- E. The figures in the Audited Financial Statements tie to the figures in the compliance report.

### **1.5.3 General Compliance Report Review**

IWC members and Alameda CTC staff review each compliance report for items including:

- A. All necessary program sections of the report are complete.
- B. The responses are complete and responsive to the requested information.
- C. The listed projects appear consistent with the programmatic topic area.
- D. The project information is specific or detailed enough to show the projects are transportation-related and in accordance with Measure B and Measure BB requirements.
- E. The figures in the compliance report tie to the figures into the audited financial statement.

### **1.5.4 Table 1: Revenues and Expenditures Review**

Table 1 provides a summary overview of revenue, expenditures and fund balances. IWC members and Alameda CTC staff review this table to confirm that:

- A. The figures reported tie to the Audited Financial Statements and expenditures in the compliance report (Table 2 and 3).

### **1.5.5 Table 2: Summary of Expenditures and Accomplishments Review**

Table 2 provides a detailed summary of expenditures and accomplishments for the fiscal year. IWC members and Alameda CTC staff review Table 2 to confirm that:

- A. The figures tie to the figures the Audited Financial Statements and expenditures in the compliance report (Table 1 and 3).

### **1.5.6 Table 3: Summary of Planned Projects and Fund Reserve Review**

Table 3 provides the recipient plan for expending remaining fund balances. Alameda CTC reviews Table 3 to confirm planned and reported actual expenditures and reserves follow the reserve policies.

- A. Link to the current policies:  
[http://www.alamedactc.org/files/managed/Document/12227/AlaCTC\\_Reserve\\_Monitoring\\_Policy\\_FINAL\\_20131024.pdf](http://www.alamedactc.org/files/managed/Document/12227/AlaCTC_Reserve_Monitoring_Policy_FINAL_20131024.pdf)
- B. The figures tie to the figures Audited Financial Statements and expenditures in the compliance report (Table 1 and 2).

### **1.5.7 Annual Compliance Report to the Public**

After the Audited Financial Statements and Compliance reports are analyzed, the IWC develop an Annual Report to the Public from the reports' financial data and expenditures.

### **1.5.8 General Guidance**

Alameda CTC staff reviews the Audited Financial Statements and Compliance Reports to resolve financial discrepancies or reporting issues. The IWC reviews expenditures and raises concerns regarding the use of funds during the reporting fiscal year. Recipients have flexibility to expend the funds on projects/programs as approved through their own local public processes. However, if an expenditure does not appear to fit into the programmatic area, seems out of sync with the Measure B/BB program purposes, or is unclear if the money was appropriately spent, then the funding use is fair to question.

### **1.5.9 Table 3 Review Guidance**

To facilitate the review of this section, the following guidance is intended to direct reviewers to areas within Table 3 that can be examined to determine compliance with the Timely Use of Funds and Reserve Policy requirements.

- 1. Did an agency meet its planned expenditures for the fiscal year? Were there large unspent fund balances by project?**
  - A. Refer to FY 14-15 Annual Report Card Summary
    - Examine the FY 14-15 Planned Project Section to compare planned vs. actual expenditures.
  - B. Refer to Table 3 Box #4 – Planned Projects for detailed summary
    - Planned expenditures are pre-populated in GRAY based on the agency's compliance report from last year. In this year's report, the agency report on ACTUAL expenses for these projects.
    - Unspent fund balances per project provide an indication on how an agency is meeting its expenditure plan.
- 2. Did an agency meet the Reserve Policies and Monitoring Procedures 70% minimum expenditure threshold, cumulatively across the agency's programs?**
  - A. Refer to FY 14-15 Annual Report Card Summary
    - The FY 14-15 Planned Projects section (top section) combines all Planned and Actual expenditures across all of the agency's programs.
    - If the agency's unspent percentage is less than 30%, then the agency is in compliance with the policy's expenditure requirement.
- 3. How much is remaining in the Capital Fund Reserve Windows?**
  - A. Refer to the Capital Fund Reserve Expenditure Tracking Summary

**4. Were there any significant changes in the Capital Fund Reserve, by project?**

- A. Refer to the Box 6 thru Box 7b for detailed summary
  - Planned expenditures are pre-populated in GRAY based on the agency's compliance report from last year to compare planned vs actual expenditure variances. See the agency's explanations in the narrative responses by project for an explanation.

**5. Are all dollars previously identified in the Capital Fund Reserve identified to a project?**

- A. Refer to Box 2a Capital Reserve Reallocation Tool
  - A ZERO in the "Remaining to Allocate" indicates all Capital Reserve funds are accounted for.

**6. Is an agency in compliance with the 50% maximum cap for the Operational Fund Reserve?**

- A. Refer to Box 3
  - On the Operational Fund Reserve line, the percent allocated must be 50% or less to be in compliance with the policy.

**7. Is an agency in compliance with the 10% maximum cap for the Undesignated Fund Reserve?**

- A. Refer to Box 3.
  - On the Undesignated Fund Reserve line, the percent allocated must be 10% or less to be in compliance with the policy.

**8. Are all available FY 15-16 funds identified in a plan (planned project or reserve funds)?**

- A. Refer to Box 3a

**1.6.0 Table 3 Guidance Legend**

- **Box 1: Total Measure B Available in FY 15-16**  
Identifies total available FY 15-16 funds. Consists of all remaining balances from the planned and reserve categories, the variance between anticipated and actual revenues, and the projected FY 15-16 revenue distribution. The total amount summarized at the end of the Box is to be identified to a FY 15-16 plan.
- **Box 2: Total Measure B FY 14-15 Planned vs. Actual Expenditures**  
Compares FY 14-15 planned vs. actual expenditures. Summarizes how well a jurisdiction met their FY 14-15 implementation plan.
- **Box 2a: Capital Fund Reserve Reallocation Verification Tool**  
Verification tool to confirm recommitment and/or reallocation of remaining Capital Reserve funds, per the respective reserve windows. The "remaining to allocate" column should contain a ZERO/blank amount to represent all funds being identified.
- **Box 3: Total Measure B FY 15-16 Available Fund Allocation Summary**

Summary of FY 15-16 Implementation Plan using available FY 15-16 funds.

- **Box 3a: FY 15-16 Allocation Verification Tool**

Verification tool to confirm all available FY 15-16 funds (*amount noted in Box 1*) are identified in the jurisdiction's implementation plan. The remaining amount should indicate ZERO to show that all available funds have been identified.

- **Box 4: Planned Projects FY 14-15 Planned vs. Actual Expenditures**

Compares FY 14-15 planned vs. actual expenditures in the annual planned category (unreserved funds).

The planned vs. actual expenditures is totaled across all the jurisdiction's programs (bike/pedestrian, local streets and roads, transit, and paratransit) and monitored for compliance with the minimum expenditure (70%) policy. Refer to FY 14-15 Report Card Sheet. It is important to note a program could expend less than 70%, but when cumulatively summed across a jurisdiction's other programs (that meet/exceeded planned expenditures); the jurisdiction could meet the minimum expenditure policy.

- **Box 5: FY 15-16 Planned Projects**

Summary of jurisdictions planned FY 15-16 expenditures using available FY 15-16 funds.

- **Box 6 and 7: Capital Fund Reserve**

Recipients may establish a capital fund reserve consisting of four year expenditure windows. The amounts identified within this section are potential projects to be funded using these funds. A companion table is provided in the report called the Capital Fund Reserve Summary that simply provides the established reserve windows and their starting and remaining balances.

- **Box 8/9: Operating Fund Reserve**

Recipients may establish an operating fund reserve each year of up to 50% of annual revenue.

- **Box 10/11: Undesignated Fund Reserve**

Recipients may establish an undesignated fund reserve each year of up to 10% of annual revenue.

***This page intentionally left blank***

Measure B Program Compliance Report FY 2014-15 Compliance Review Form		
	Agency	Reviewer's Comments
Transit Agencies and Authorities		
1	AC Transit	
	Audited Financial Statement	
	Mass Transit	
	Paratransit	
2	BART	
	Audited Financial Statement	
	Paratransit	
3	LAVTA	
	Audited Financial Statement	
	Mass Transit	
	Paratransit	
4	WETA (Alameda Ferries)	
	Audited Financial Statement	
	Mass Transit	
5	Altamont Commuter Express (ACE)	
	Audited Financial Statement	
	Mass Transit	
Alameda County Agencies		
6	Alameda County (ACPWA)	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
City Agencies		
7	City of Alameda	
	Audited Financial Statement	d
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
8	City of Albany	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
9	City of Berkeley	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
10	City of Dublin	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
11	City of Emeryville	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
12	City of Fremont	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	



Measure B  
Program Compliance Report FY 2014-15  
Compliance Review Form

13	City of Hayward	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
14	City of Livermore	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
15	City of Newark	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
16	City of Oakland	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
17	City of Piedmont	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
18	City of Pleasanton	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
19	City of San Leandro	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
20	City of Union City / Union City Transit	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Mass Transit	
	Paratransit	

Measure BB Program Compliance Report FY 2014-15 Compliance Review Form		
	Agency	Reviewer's Comments
<b>Transit Agencies and Authorities</b>		
1	<b>AC Transit</b>	
	Audited Financial Statement	
	Mass Transit	
	Paratransit	
2	<b>BART</b>	
	Audited Financial Statement	
	Transit	
	Paratransit	
3	<b>LAVTA</b>	
	Audited Financial Statement	
	Mass Transit	
	Paratransit	
4	<b>WETA (Alameda Ferries)</b>	
	Audited Financial Statement	
	Mass Transit	
5	<b>Altamont Commuter Express (ACE)</b>	
	Audited Financial Statement	
	Mass Transit	
<b>Alameda County Agencies</b>		
6	<b>Alameda County (ACPWA)</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
<b>City Agencies</b>		
7	<b>City of Alameda</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
8	<b>City of Albany</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	Yes
	Paratransit	
9	<b>City of Berkeley</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
10	<b>City of Dublin</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
11	<b>City of Emeryville</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
12	<b>City of Fremont</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	

**Measure BB**  
**Program Compliance Report FY 2014-15**  
**Compliance Review Form**

<b>13</b>	<b>City of Hayward</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
<b>14</b>	<b>City of Livermore</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
<b>15</b>	<b>City of Newark</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
<b>16</b>	<b>City of Oakland</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
<b>17</b>	<b>City of Piedmont</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
<b>18</b>	<b>City of Pleasanton</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
<b>19</b>	<b>City of San Leandro</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
<b>20</b>	<b>City of Union City / Union City Transit</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Mass Transit	
	Paratransit	



# Independent Watchdog Committee Meeting Minutes Monday, November 9, 2015, 6:30 p.m.

3.1

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

## 1. Welcome and Call to Order

Independent Watchdog Committee (IWC) Vice Chair Deborah Taylor called the meeting to order at 6:30 p.m. The meeting began with introductions, and the vice chair confirmed a quorum. All IWC members were present, except the following: Cheryl Brown, Cynthia Dorsey, Brian Lester, and Robert Tucknott. Deborah welcomed new member Barbara Price.

Cynthia Dorsey arrived after agenda item 3.1. Cheryl Brown arrived during agenda item 4.

Deborah Taylor was excused after the action was taken for agenda item 5.

## 2. Public Comment

There were no public comments.

## 3. CWC Meeting Minutes

### 3.1. Approval of July 13, 2015 IWC Regular Meeting Minutes

*Harriette Saunders moved to approve the July 13, 2015 minutes. Jo Ann Lew seconded the motion. The motion passed with the following votes:*

*Yes: Hastings, Hawley, Lew, Nate, Saunders, Taylor*

*No: McCalley, Piras, Zukas*

*Abstain: Jones, Price*

*Absent: Brown, Dorsey, Lester, Tucknott*

Public comment: Jason Bezis made a comment regarding the July 13, 2015 minutes not acknowledging the details of his public comments.

### 3.2. Approval of August 10, 2015 IWC Special Meeting Minutes

*Herb Hastings moved to approve the August 10, 2015 minutes. Jo Ann Lew seconded the motion. The motion passed with the following votes:*

*Yes: Dorsey, Hastings, Hawley, Lew, Nate, Saunders, Taylor*

*No: McCalley, Piras, Zukas*

*Abstain: Jones, Price*

*Absent: Brown, Lester, Tucknott*

### **3.3. Approval of August 17, 2015 Special Meeting Minutes**

*Miriam Hawley moved to approve the August 17, 2015 minutes. Jo Ann Lew seconded the motion. Per the Chair, the motion did not pass with the following votes:*

*Yes: Hawley, Jones, Lew, Nate, Saunders, Taylor*  
*No: McCalley, Piras, Zukas*  
*Abstain: Dorsey, Hastings, Price*  
*Absent: Brown, Lester, Tucknott*

*Murphy McCalley changed his vote and the vote was taken again and passed with the following votes:*

*Yes: Hawley, Lew, McCalley, Nate, Saunders, Taylor, Jones*  
*No: Piras, Zukas*  
*Abstain: Dorsey, Hastings, Price*  
*Absent: Brown, Lester, Tucknott*

### **4. Chair and Vice Chair Report**

Deborah Taylor presented this agenda item. She discussed the issue the IWC received during the public comment agenda item from a member of the public at the July 13, 2015 meeting to investigate all expenditures of Measure B sales tax dollars and to see if any were spent on the Measure BB campaign. She reiterated the steps the committee has taken to date and informed the member of the public that the committee did not take action to initiate an independent review of the issue originally presented at the January 12, 2015 meeting.

Deborah requested the IWC adopt a motion to create a process to address issues of concern brought to the IWC from members of the public. Alameda CTC staff noted that a process is already in place, and staff will make updates to the current issues identification process to ensure that issues of concern from members of the public are explicitly spelled out.

Bylaws: Deborah Taylor explained the occurrences that took place regarding the IWC bylaws during August and September 2015. She noted that the Finance and Administration Committee adopted the bylaws at the September 14, 2015 meeting, and the full Commission adopted the bylaws at the September 24, 2015 meeting after she and Murphy McCalley had the opportunity to discuss IWC comments with the Alameda CTC Chair. The IWC discussed the final bylaws going before the Commission without being presented to the IWC beforehand. The IWC would have preferred having input prior to the Commission approval. Members also discussed a six-month review of the bylaws as part of the Commission approval process.

Public comments: Ken Bukowski stated that the committee should clarify roles and responsibilities of the IWC for the public to understand, and the public will know what the committee is doing if the link to his video is in the minutes. Jason Bezis reiterated that the July 13, 2015 minutes do not acknowledge the details of his public comments.

## 5. Election of IWC Officers for FY2015-16

*JoAnn Lew nominated Deborah Taylor for chair. Deborah Taylor declined the nomination. Pat Piras moved to nominate Murphy McCalley for chair, and he accepted the nomination. Cheryl Brown seconded the motion. The motion passed with the following votes:*

*Yes: Brown, Dorsey, Hastings, Hawley, Jones, Lew, McCalley, Nate, Piras, Price, Saunders, Taylor, Zukas*  
*No: None*  
*Abstain: None*  
*Absent: Lester, Tucknott*

*Deborah Taylor moved to nominate Miriam Hawley for vice chair, and she accepted the nomination. Harriette Saunders seconded the motion. The motion passed with the following votes:*

*Yes: Brown, Dorsey, Hastings, Hawley, Jones, Lew, McCalley, Nate, Piras, Price, Saunders, Taylor, Zukas*  
*No: None*  
*Abstain: None*  
*Absent: Lester, Tucknott*

## 6. Presentation of Comprehensive Annual Financial Report for the Year Ended June 30, 2015

Ahmad Gharaibeh with Vavrinek, Trine, Day & Co (VTD) presented the Comprehensive Annual Financial Report for the year ended June 30, 2015. The auditor reviewed Alameda CTC's financial highlights. The audit covered Measure B and Measure BB funds, as well as the limitation ratios required by the Transportation Expenditure Plans, which require that the total costs of salaries and benefits for administrative employees do not exceed 1 percent of sales tax revenues. The administration costs cannot exceed 4.5 percent of Measure B sales tax revenues and 4 percent of Measure BB sales tax revenues. The auditor reported that Alameda CTC received what is referred to as an unmodified, or clean, audit opinion for the year ended June 30, 2015 and Alameda CTC does not consider consultants to be staff.

Questions/feedback from members:

- How much growth occurred in Measure B revenues from last year? Measure B sales tax revenue in fiscal year 2015 was \$132.5 million; in the prior year the sales tax revenue was \$127.1 million.
- When is the principal due for the bonds? Principal payments were deferred in the bond structure and the first principal payment is scheduled for fiscal year 2017.
- Do salaries and benefits include contract employees? No, salary and benefit expenses only include staff. The consultants' time is charged to the task or projects they work on directly, regardless of the consultants' function. Alameda CTC does not have contract employees and does not consider consultants to be staff.
- If the full 1 percent allowed is not used in a fiscal year for salaries and benefits, what happens to the difference? Any unused funds goes into the fund balance. The Commission ultimately decides if the remaining fund balance will continue to fund administrative expenses or will go towards a project or program.
- In any given year, could the 1 percent be exceeded using the carryover funds? Yes, Alameda CTC may use the carryover balance of those funds, but that would not be sustainable. Collection of the Measure B sales tax expires in 2022, and the

excess funds will be needed to fund staff to administer the remaining balance of the funds collected.

- Do the unused administrative funds make up the balance in the “unrestricted fund balance?” Yes.

Public comment: Jason Bezis made a comment stating his concerns regarding the independent audit in particular Measure B funds being used to campaign and generate campaign materials for Measure BB.

Additional questions:

- The Commission Audit Committee meeting did not have an agenda on the Alameda CTC website as required by the Brown Act, because the Audit Subcommittee is a subset of the Commission and is not a public meeting. More information regarding this committee was requested and will be brought back at the next IWC meeting.
- JoAnn Lew inquired about the list of questions she submitted via email. Staff let JoAnn know that an email response to the questions will be sent before the December 3, 2015 Commission meeting.
- What is the sample size VTD used for testing the Direct Local Distribution funds? VTD looked at the reports for all of the agencies who received DLD funds, and they were in compliance.
- Discussion took place on how VTD is reviewing the agencies' compliance and audit reports. It was reiterated that the auditor looked at the audit reports of all the agencies receiving DLD funds to determine if the agencies are in compliance with the Master Programs Funding Agreements. The committee will hear more about the compliance reports in the January 2016 meeting.

Ahmad noted that the auditor is engaged to audit the fair presentation of Alameda CTC's financial statements. He stated that additional testing outside of what is in their current contract may be done if IWC members and Alameda CTC staff agree it's necessary.

## **7. IWC Annual Report Outreach Summary and Publication Cost Update**

### **7.1. Update on Outreach and Costs**

The committee requested staff explain the Google Analytics on page 161 in the packet. Tess Lengyel said that the Alameda CTC website has different pages with annual report content such as: What's New and Reports with Chinese and Spanish versions of the flyer and the actual annual report. Starting on page 161, the Google Analytics report shows the number of views and the number of click-throughs for each of those pages. The chair wanted to know if a review is done to determine if the outreach of the IWC annual report is cost effective. Tess mentioned that this has been done in the past by the committee, and it was determined that we should use the publications that appear in Attachment A.

## **8. IWC Member Reports/Issues Identification**

### **8.1. IWC Issues Identification Process and Form**

Alameda CTC staff agreed to review and update the IWC issues identification process and form to include the process on handling issues of concern from members of the public, including Measure BB issues.

Member reports: Herb Hastings stated that as of November 1, 2015, the Clipper Card can be used on Livermore Amador Valley Transit Authority transportation. The intermodal



project for Dublin/Pleasanton began 60 days ago to make that section of the Dublin/Pleasanton BART station Americans with Disabilities Act complaint.

## **8.2 Issues Discussion**

Pat Piras said that it was suggested that her concerns with the follow-up to the bylaws process be discussed here, which she decided not to do; however, Pat requested that staff and the IWC communicate with each other to ensure the bylaws process will work for all parties involved in the future and distributed a handout summarizing her concerns.

A request was made for Alameda CTC staff to look into the ability of IWC members to teleconference at the January 11, 2016 meeting.

## **9. Staff Reports/Board Actions (Verbal)**

### **9.1. IWC Calendar**

The committee calendar of meetings and activities is in the agenda packet for review purposes.

### **9.2. IWC Roster**

The committee roster is in the agenda packet for review purposes.

Tess Lengyel provided responses to the following IWC requests for information:

- Performance measures – Tess stated that Alameda CTC has started initial work on performance measures and will take them to the Commission in February or March 2016.
- BART's plan for a ballot measure to fund maintenance needs – Tess informed the committee that this is not under Alameda CTC's IWC purview.
- Job opportunities through Measure BB – Tess stated that job and contracting opportunities are posted on the Alameda CTC website under the "Opportunities" heading. Cheryl Brown said that the job opportunities in the original question were not related to Alameda CTC jobs, but related to the jobs mentioned in the 2014 Transportation Expenditure Plan. How will the IWC report to the public and show how many jobs are being created and for which projects? Tess said that Alameda CTC is still working on the jobs reporting aspect of Measure BB and will include information in the agency's annual report.

Patricia Reavey provided responses to the following IWC requests:

- IWC Application Form – Patricia stated that the form hasn't changed. Staff will update the current application to clean up the wording.
- Training needs and requests – Patricia said that she guessed the question is related to training members on how to review financial information. The goal is for the Commissioners to appoint people with the right skill set.
- Express Lanes planning and development – Patricia said that express lane projects will be addressed at the January meeting during the overall projects and programs update. Miriam Hawley said that the 2014 Transportation Expenditure Plan specified that Measure BB revenues will go toward improvements, and she would like to know what improvements mean.

## **10. Adjournment**

The meeting adjourned at 8:55 p.m. The next meeting is scheduled for January 11, 2016 at the Alameda CTC offices.

***This page intentionally left blank***



# INDEPENDENT WATCHDOG COMMITTEE November 9, 2015 ROSTER OF MEETING ATTENDANCE

Present	IWC Member	Appointed By
CB	Brown, Cheryl (waive)	Alameda Labor Council AFL-CIO
CD	Dorsey, Cynthia	Alameda County Mayors' Conference, District 5
	<del>Hamlat, Sandra</del>	<del>Bike East Bay</del>
HH	Hastings, Herb	Paratransit Advisory and Planning Committee
MH	Hawley, Miriam	League of Women Voters
J	Jones, Steven	Alameda County Mayors' Conference, District 1
	Lester, Brian	Alameda County, District 1 Supervisor Scott Haggerty
SLW	Lew, Jo Ann	Alameda County Mayors' Conference, District 2
MM	McCalley, Murphy	Alameda County, District 4 Supervisor Nate Miley
GN	Nate, Glenn	Alameda County, District 2 Supervisor Richard Valle
P.	Piras, Pat (waive)	Sierra Club
	Price, Barbara	Alameda County Taxpayers Association
	Saunders, Harriette	Paratransit Advisory and Planning Committee
	Taylor, Deborah, <b>Vice Chair</b>	Alameda County, District 3 Supervisor Wilma Chan
	Tucknott, Robert	Alameda County Mayors' Conference, District 4
HZ	Zukas, Hale	Alameda County, District 5 Supervisor Keith Carson

## STAFF

Present	Staff/Consultants	Title
	Arthur L. Dao	Executive Director
P	Tess Lengyel	Deputy Director of Planning and Policy
P	Patricia Reavey	Director of Finance
	John O'Brien	Interim Deputy Director of Programming and Allocations
	John Nguyen	Senior Transportation Planner
	Trinity Nguyen	Senior Transportation Engineer
P	Angie Ayers	Public Meeting Coordinator

NAME	JURISDICTION/ ORGANIZATION	PHONE #	E-MAIL
1. Ahmad Ghazalbeh	VTD	650 462 0400	
2. Jason Bezis	—	(925) 962-9843	j.bezis@yahoo.com
3. Ed Burowski	Videographer		
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			



# Independent Watchdog Committee Meeting Minutes Monday, January 11, 2016, 6:30 p.m.

3.2

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

## 1. Welcome and Call to Order

Independent Watchdog Committee (IWC) Chair Murphy McCalley called the meeting to order at 6:30 p.m. The meeting began with introductions, and the chair confirmed a quorum was not achieved. All IWC members were present, except the following: Cheryl Brown, Cynthia Dorsey, Steven Jones, Brian Lester, Glenn Nate, Barbara Price, Harriette Saunders, Deborah Taylor, and Robert Tucknott. Murphy welcomed new member Oscar Dominguez.

## 2. Public Comment

Jason Bezis made a comment stating that Measure B funding was used for Measure BB campaign materials. He requested a subcommittee be formed for an independent review.

## 3. CWC Meeting Minutes

### 3.1. Approval of November 9, 2015 IWC Meeting Minutes

The following corrections were requested for the November 9, 2015 minutes.

- Include in the minutes that Deborah Taylor was excused after the action was taken for agenda item 5.
- In items 3.1, 3.2, and 3.3, reflect the number of yes, no, abstained, and absent votes.
- Under item 4 Bylaws, include that a six-month review of the bylaws was discussed as part of the Commission approval process.
- In item 5, reflect the number of unanimous votes.
- Update the third bullet below item 6 to show that even if consultants act as "staff liaisons" to a committee, they are not considered to be staff.
- Clarify the last sentence in the fifth bullet below item 6.
- Expand the first bullet under item 6 "additional questions" to clarify why the Commission Audit Committee meeting doesn't follow the Brown Act.
- In item 8.2, reflect that Pat Piras distributed a handout summarizing her concerns.

Public comments: Jason Bezis made a comment stating his concerns regarding the July 2015 IWC minutes not reflecting his comments and not including the no votes.

*The minutes could not be approved due to the lack of a quorum. Approval of the minutes was deferred to the next meeting.*

## 4. Measure B and Measure BB Program Compliance Update

John Nguyen gave an update on the annual program compliance review process for Measure B and Measure BB direct local distributions (DLD). He stated all recipients submitted the required audited financial statements and program compliance reports in a timely manner, and the raw reports are available on Alameda CTC's website. He noted Alameda CTC staff will review the submittals to verify their completion and consistency of

data across the reports. He stated the IWC will review the completed reports starting in March.

Questions/feedback from members:

- Should IWC members prepare questions before the March meeting? John suggested the committee reserve questions until after March's orientation workshop, so that members may be better equipped to review the information presented on the reports. Patricia Reavey also noted that the review process is different this year to correct notable issues on the financial statements and compliance reports to make the IWC's review easier.
- Is there a special way/format to handle questions? John said that a format will be provided in March.
- Do the reports show maintenance efforts? Staff stated that the compliance reports show expenditures on maintenance-related activities, and that's what their auditors review.

## **5. Overview and Update on Delivery and Implementation Measure B and Measure BB Projects and Programs**

### **5.1. Measure B and Measure BB Projects and Programs**

John Nguyen delivered a presentation on the Measure B and Measure BB direct local distributions and grant program for fiscal year (FY) 2014-15.

Questions/feedback from the members:

- Is the cost of the Express Bus Service Program a subsidy requirement or the cost of operating the service? John said that it's the cost of operating the service.
- Does the IWC provide input in the evaluation and project selection of the general discretionary grant selection and administration process? John stated no, the IWC reviews the expenditures only.
- If recipients received the first distribution in July 2015, is it included in FY2014-15? Patricia said that the Board of Equalization (BOE) started the collection as of April 1, 2015, and the distribution is for sales tax earned in April, May, and June. The DLD agencies will have accrued the funds for three months. Alameda CTC made the distribution on June 30, 2015; with a day lag, the DLD agencies did not receive the funds until July 1, 2015, but these funds are expected to be included in the FY2014-15 financials as revenue and a receivable.
- An explanation was requested of the "Award Balance" column on page 31 in the packet. John said that this column is for unexpended funds which will be reprogrammed once the grant awards expire as part of a future call for projects.
- What is the Community Development Investment Program? Staff stated that it's one of the programs in the 2014 Transportation Expenditure Plan (TEP), and \$300 million is allocated for the program, which funds projects and programs that improve access to transit and transit-related developments. It is similar to the current Measure B transit oriented development (TOD) category. Staff noted that \$1.5 million was allocated to recipient agencies to scope and define future projects.
- When will the following Measure BB categories get programmed: Transit – Innovative Grant funds, Freight and Economic Development, Bicycle and Pedestrian Grants, and Technology, Innovation and Development? Staff said the call for project will be initiated July 2016, and funds will flow July 1, 2017.
- Is the Affordable Student Transit Pass Program (Affordable STPP) included in the Transit – Innovative Grant Funds category? Tess said that the 2014 TEP has a

specific line item of \$15 million for the Affordable STPP. She noted that the Commission decided to allocate \$2 million to get the program started.

Richard Carney gave an overview on the status of the capital projects. He reviewed the projects in chronological order for both Measure B and Measure BB. Kanda Raj gave an update on the I-680 Southbound High Occupancy Vehicle (HOV)/Express Lanes project.

Questions/feedback from the members:

- Will the BART Warm Springs Extension project open before the BART San Jose station opens? Richard said yes.
- Is the BART Warm Springs Extension close to the Tesla Plant in Fremont? Richard said it is not far and that the City of Fremont is building a bridge - the BART West Access Bridge - over the Union Pacific Railroad (UPRR) tracks. It was noted that there is a proposed housing development west of the station and adjacent to the Tesla site.
- Are there funds to evaluate the express lanes or similar projects for express lanes? How are the express lanes performing? Kanda Raj stated that pursuant to state statutes, a performance evaluation was completed, comparing the before and after express lane implementation conditions, that indicates improved corridor speeds, increased vehicle miles travels and reduced queue length within the 14-mile corridor. He covered the performance evaluation slide for the I-680 Southbound Express Lane.
- Was the 2009 economy factored in the performance evaluation for this project? Kanda said yes. Are you able to compare this project with a new lane being added? Kanda said the performance evaluation, mentioned earlier, compared the lane performance with the HOV lane and a controlled corridor in the vicinity and concluded that the lane improved corridor performance
- Is there data to determine if an existing general purpose lane can be striped as an express lane on existing freeways? Kanda said that legislation is required to convert a general purposes lane to an express lane. In addition, studies need to be completed to evaluate the traffic impacts. Alameda CTC is not looking into a lane conversion option at this time and does not have any data. He stated that other congestion management agencies in the region may review an option to convert general purposes lanes to HOV/express lanes in the near term, but would need legislative authority to do so.
- Does the I-680 Express Lanes project funding have a capital reserve? Kanda noted that \$500,000 is maintained for reserves.
- Do Southern California net revenues cover the expenses for express lanes? Kanda stated that some of the Southern California corridors are doing well, and others are not. The revenue depends on the levels of lane usage.
- How will net revenue be used? Kanda stated that the toll lanes had been in operation for over five years, and the operation had been subsidized by project grant funds during the first four years of operation. Only in the last fiscal year net revenue was realized in about the \$300,000 range. To date all toll revenue collected has been used for the administration, operation, and maintenance of the toll facility. Pursuant to state statutes, a northbound lane is eligible to be constructed with these funds.
- Why were Measure B funds used for FY2014-15, since a surplus of funds exists for the project? Patricia Reavey said that when the operations budget was approved in June 2014, certain cost items were planned to be paid for by the Measure B subsidy. That is the reason for seeing Measure B expenditures, while the toll facility experienced net toll revenue. The net revenue is rolled into the ending fund



balance. Kanda said that for the next fiscal year, the gross toll revenues should be enough to cover the operational costs. Discussion also took place to inform the committee of the amount of Measure B subsidy used so far for the I-680 Express Lanes. Staff let the group know that the audited financial information is on the Alameda CTC website.

- What is a class 1 bike lane for the East Bay Greenway? Staff stated a Class 1 bike lane provides a completely separate right-of-way for the exclusive use of bicycles and pedestrians.

Public comments: Gerald Cauthen, a member of Bay Area Transportation Working Group, made a comment about the travel time of the Oakland Airport Connector (OAC); he also stated his concerns regarding the Dumbarton Rail project converting to a bus.

Jason Bezis made a comment that the Dumbarton Rail project is no better than a bus. He also commented on the Iron Horse Trail widening road and OAC project costs.

## **6. IWC Member Reports/Issues Identification**

### **6.1. IWC Issues Identification Process and Form**

Patricia Reavey mentioned that at the last meeting the committee stated that the issues identification process and form needed to be updated. She stated that the updates staff performed incorporated Measure BB and matched the language of the 2014 TEP. Patricia informed the committee that the updates also included how to handle issues and concerns submitted by the public. Murphy informed the group that the committee will have an opportunity to discuss and vote on the procedure at the next meeting.

Questions/feedback from the members:

- Are the new procedures approved by the Commission? Should the committee vote to approve the procedures? Staff said the answer to both questions is no; however, the committee can vote if that is how the chair wishes to proceed. The chair and staff stated that the procedures and process are not new; however, they were updated as directed by the committee and the previous chair.
- Pat Piras stated that some IWC materials have changed due to the passage of Measure BB without the changes being discussed with the IWC. She stated that for IWC members to do their job in reporting to the public, the committee must be notified of any changes. Pat provided staff and the committee with a handout of her issues and concerns and requested staff to provide feedback. See Attachment 3.2A for staff's responses to the issues and concerns submitted by Pat.

The committee discussed the ability for the public to contact the IWC regarding issues and concerns. A suggestion was made to generate a specific email address for the IWC.

Public comments: Gerald Cauthen, a member of Bay Area Transportation Working Group, stated that the issue process should be clarified and simplified.

Jason Bezis stated that he opposes the updates to the issues process.

### **6.2 Issues Discussion**

Questions/feedback from the members:

- Pat Piras requested staff distribute the letter from the Sierra Club to all IWC members.

- Pat Piras inquired if staff provided responses to questions submitted by Jo Ann Lew at the November 2015 meeting and suggested that the full committee receive the responses. Staff stated that responses were emailed to Jo Ann on November 9, 2015. See Attachment 3.2B for staff's responses to the questions submitted by JoAnn.

Additional questions:

- What is the status of the BART to Livermore Study? Staff stated that the BART to Livermore Study is underway, and as the lead agency on the project, BART is looking at alternatives to study such as: BART technology and system going to the Isabel interchange; a diesel multiple unit train; an express bus traveling on the I-580 Express Lanes and a non-freeway bus service. The Environmental Impact Report is scheduled for completion during 2017. BART is working with the City of Livermore for a specific plan that will include statistics on land use and jobs.
- What is the connection of BART to ACE? Staff said that the bus alternatives look at the connection to ACE. It's the bus-to-BART alternative. The BART contact for this project is Andrew Tang.
- Do we expect the revenues to be less now that Measure B is nearing its end? Staff stated that 97 percent of the Measure B capital projects have been delivered. The grants and the DLDs will continue to flow until Measure B ends. The DLDs and grants will continue to be funded through the 2014 TEP. All capital projects will be delivered, even though the revenues are not what was projected, because the projects were done early to receive construction cost savings. The programs do not have a specific dollar amount programmed; there is a projection stated in the TEP. The programs receive funds as the funds are delivered to Alameda CTC from the BOE.
- How do the revenue projections compare to the anticipated actuals? Patricia said that we have a comparison chart, and there is a gap. It was noted that Measure B programs are allocated on a percentage basis, not a dollar commitment.
- In 2022 if there are shortfalls, does Measure BB backfill? Staff said no and noted that Measure B is allocated on a percentage basis per the TEP.

## **7. Staff Reports/Board Actions (Verbal)**

### **7.1. IWC Calendar**

Discussion took place by the committee on where under the Brown Act is the provision that the Audit Committee would not notice the meeting and not be a public meeting. Patricia stated that the Alameda CTC Audit Committee is operated based on the best practices of the Government Finance Officers Association and the American Institute of Certified Public Accountants and is a continuation of how the Alameda County Congestion Management Agency operated its Audit Committee. Patricia stated that she posed the question to Alameda CTC legal counsel, which recommended that going forward, Alameda CTC open the Audit Committee to the public and notice the meeting for transparency. The committee wanted to know if legal provided a citation referencing how it's done under the Brown Act. Patricia stated that a citation reference was not provided.

The committee noted that at the November meeting, it was indicated that the Commission development of performance measures was anticipated around January/February, and possibly an item may be included on the IWC March agenda. Tess informed the committee that the Commission is working on the performance measures, and staff will provide the DLD performance measures in the spring to the Commission. She

recommended the committee look at the agenda for the Programs and Projects Committee to stay abreast of the topic.

Discussion took place regarding including in the IWC calendar review of the bylaws prior to the Commission adoption of the bylaws and generating a work plan for the IWC. The committee recommended staff add this to the IWC calendar for July 2016.

#### **7.2. IWC Roster**

The committee roster is in the agenda packet for review purposes.

#### **8. Adjournment**

The meeting adjourned at 8:40 p.m. The next meeting is scheduled for March 14, 2016 at the Alameda CTC offices.

### Pat Piras – Questions and Responses from Staff

...there are several items which I believe should also be scheduled, or at least started, as discussion at the November meeting. The changes in Commission procedures from Measure BB, and the flaws identified from the bylaws development process, indicate areas where thoughtful and honest discussion between the staff and the IWC needs to be addressed, which may well take more than one meeting. These include, but are probably not limited to:

\* For inexplicable reasons, and with no due diligence, staff chose to believe, and to spread, a distorted and antagonistic interpretation of the motion approved by the Committee regarding an annual budget and work plan. Rather than unilaterally telling Commissioners about the perceived inappropriateness of the action, staff might benefit from simply listening to what was intended. The maker and seconder of the motion are well-informed about public agency budgeting processes. If we created confusion by the inadvertent omission of a clause that specified "as input into the agency process," I am willing to apologize; the implication is so obvious, it was simply overlooked. But I am not willing to be subjected to allusions of "rogue" behavior.

*The motions approved by the IWC regarding changes to the bylaws on all matters, not just budget and work plan related items, were not interpreted in any way. The IWC voted on and approved exact language changes to the bylaws during its meeting. The members of the IWC and any member of the public has the opportunity to review and comment on the draft budget when it is presented to the FAC and the Commission at their meetings in May. Edits to the budget approved by the Commission during the May meetings will be incorporated into the final budget that goes to the FAC and Commission for approval at their meetings in June.*

\* The IWC needs to be fully informed about the following, all of which should be available for IWC discussion:

— Clarification of if/when the IWC is considered an "advisory committee" to the Commission. Under no circumstances should this role, if & when it exists, override our responsibility to "report to the public;"

*The Alameda CTC changed the bylaws and the staff report that went to the Commission for approval so that it no longer refers to the IWC as an advisory committee.*

— Adoption of the new Administrative Code which gives the Commission authority to adopt bylaws "for advisory committees," but which subjects only IWC to the adopted budget;

*All committees are subject to the limitations of the adopted budget. It was stated specifically under the IWC item due to the expansion of responsibilities taken on by the CWC which were not defined as CWC responsibilities in the Transportation Expenditure Plans under the prior chair's term which had increased costs related to the IWC for extra meetings, administrative support etc... This was to ensure that budget is considered going forward when decisions are made that will have a cost to the agency.*

— OWP for FY 2015-16 includes budgeting for 5 "regular" meetings, yet we've already held one regular & two special. Five meetings, according to James Paxson's records, is the fewest number of meetings that CWC held during the past 12 years. Should not the IWC know about this limitation, if we are expected to comply with it?;

*Historically it was very rare for the CWC to hold special meetings. The special meetings held in August were the first special meetings called by the CWC or IWC in the last 5 years. These were not predicted when the budget was developed, so per diems related to extra meetings will need to be accounted for in the mid-year budget update. The subcommittee meetings that James referred to that exceeded the 5 per year do not require per diem payments and will not affect the per diem budget.*

— Insertion of new (& non-dictionary) definitions of "monitor" and "oversee" into the bylaws without these changes being disclosed to either Commission or IWC. What is the purpose of these definitions?;

*The definitions included in the bylaws were for clarification as to the intent of the Transportation Expenditure Plan (TEP) when it was written and as expressed in the 2014 TEP when it states that the IWC will be the same committee as the IWC. The definitions were included in the bylaws along with all other suggested edits for Commission's review and approval.*

— What does staff consider to be "policy" roles or issues beyond the IWC's purview? The Executive Director's Report for September includes the CWC Annual Report under "Policy News;";

*Staff considers anything not included as the CWC's or IWC's responsibility in the 2000 or 2014 TEP to be outside of the IWC's purview.*

— What is the timing and process for the "mid-year budget review"? How can the IWC have input into this process, for our own functioning and our effectiveness in our responsibilities to the public?

*The agency kicks off its budget process in January to solicit information from each department with the draft budget being wrapped up approximately 3 weeks before the May FAC meeting, so this year, that would be before April 18<sup>th</sup>. We go to the FAC and the Commission with a draft budget in May. IWC members and the public are welcome to comment on the budget at those meetings. The final budget goes to the FAC and Commission for approval at their June meetings.*

In addition, the analysis which staff conducted regarding procedures for other "oversight" committees should be provided — in writing — to the full IWC. Acting Chair Taylor suggested that this occur "in the upcoming meeting packet" (email of 23Sept).

*The research that staff did regarding partner agencies and other organizations that have similar committees to the IWC was on-line research. The agency did not prepare a written document, but used the discrete findings from multiple agencies to identify and assess best practices.*

The bylaws discussion has become obstructed based largely on what staff seems to think, or even fear, that the Committee is NOT supposed to do. Staff and the IWC should have a cooperative discussion, going forward, of what staff expects that the IWC CAN do, under the language presented to voters.

*The IWC's responsibilities include those as described in the 2000 Measure B and the 2014 Measure BB Transportation Expenditure Plans. The verbiage from the Transportation Expenditure Plan has been included in the bylaws.*

Finally, what is the schedule and process for developing "performance measures" for Measure BB allocations and projects? This issue does not seem to be included in the Calendar from the July meeting.

*Performance measure for Direct Local Distribution funds are anticipated to go before the Commission between February and May 2016. Project measures are anticipated to be linked directly to the specific type of project (i.e. a performance measure for a transit project would be different than a performance measure for an interchange project) and it is anticipated these will come before the Commission within the same timeframe as the DLD performance measures.*

***This page intentionally left blank***



**Jo Ann Lew – Questions and Staff Responses: (Emailed to IWC on November 9, 2015)**

Pg. 49 – How do the 2014 Measure BB subfunds align with the 2014 TEP? Why is 32% allocated to Program and Project Management Oversight?

*The Measure BB subfunds are part of the Special Revenue Funds and are established for each different type of fund category within the 2014 TEP which are not considered Capital or the General Fund. Categories in the 2014 TEP that had named projects or categories were allocated set dollar values and are considered Capital Funds. Four percent comes off the top of the funds received from the Board of Equalization and goes to the General Fund for administration. Almost all other categories in the 2014 TEP which are programmatic or have discretionary characteristics were applied a percentage allocation and are considered Special Revenue Funds. In general, the Program and Project Management Oversight subfund is not allocated funds on a percentage basis. This fund pays for direct oversight of projects and programs in the 2014 TEP and receives funding from funds that would be allocated to the capital or other programs on a percentage basis that is more than the dollar amounts allocated to each category in the TEP if funds received are more than projections, plus 1 percent of Direct Local Distribution (DLD) funds to support the DLD program. In FY2014-15 the Programs and Projects Management Oversight subfund received less than 0.5 percent of revenues (see page 79 of the draft CAFR for sales tax revenues allocated to the Programs and Projects Management Oversight Subfund and page 24 of the draft CAFR for total Measure BB sales tax revenues received -  $\$135,650/\$27,708,768 = 0.49\%$ ) because Measure BB revenues in FY2014-15 were lower than 2014 TEP original projections.*

Pg. 50 – please explain the legality of exchanging state or Federal funds for local funds. Is the Exchange Fund funded by Measure B and Measure BB funds? If so, will Measure B and Measure BB contributed funds be identified separately?

*The Exchange Fund is a CMA fund which is not under the purview of the IWC. Measure B and Measure BB funds do not fund the Exchange fund. When Federal funds are exchanged, they are exchanged with and used by an Agency which has the authority to utilize Federal funds for transportation purposes and abides by all Federal requirements.*

Pg. 61 – Are pensions covered under the General Fund (see pg. 49)? Are there or will there be any unfunded pension liabilities in FY 2014-2015 or in the future?

*Pension costs for retirees are funded by the General Fund. Pension costs for active employees are included in benefit costs and are allocated to the fund in which the employee's time is charged/spent.*

Pg. 69 – Are there plans to close out the 1986 Measure B funds?

*The 1986 Measure B Fund is not in the purview of the IWC. The 1986 Measure B Fund can't be closed out until after all projects in the 1986 TEP are completed.*

Pg. 73 – How are “Net Revenues” calculated for the purpose of determining the 4.5% and 4% for administration costs for Measures B and BB respectively.

*Measure B and Measure BB revenues received from the Board of Equalization are net of BOE administration fees. Once funds are received by Alameda CTC, 4.5 percent is taken off the top of Measure B funds received to fund administration in the Measure B General Fund and 4.0 percent is taken off the top of Measure BB funds received to fund administration in the Measure BB General Fund.*

Pg. 91 – Should “CTCC” in the first paragraph be “CTC”? Are the following amounts for coverage correct: Property coverage \$1 billion and Boiler & machinery coverage \$100 million? Are these amounts justified considering ACTC is primarily an administrative entity?

*Yes, it should be Alameda CTC. Thanks you for catching that typo.*

Pg. 100 – Beginning on this page, does the line item for “Professional services” include any ACTC employees whose services are billable to any Measure B or Measure BB projects or are the costs solely for services contracted by ACTC?

*The professional services line item does not include Alameda CTC employees. The costs are solely for services contracted by Alameda CTC.*



# **INDEPENDENT WATCHDOG COMMITTEE** **January 11, 2016** **ROSTER OF MEETING ATTENDANCE**

Present	IWC Member	Appointed By
	Brown, Cheryl (waive)	Alameda Labor Council AFL-CIO
DP	Dominguez, Oscar	East Bay Economic Development Alliance
	Dorsey, Cynthia	Alameda County Mayors' Conference, District 5
✓	Hastings, Herb	Paratransit Advisory and Planning Committee
✓	Hawley, Miriam, <b>Vice Chair</b>	League of Women Voters
	Jones, Steven	Alameda County Mayors' Conference, District 1
	Lester, Brian	Alameda County, District 1 Supervisor Scott Haggerty
JLew	Lew, Jo Ann	Alameda County Mayors' Conference, District 2
✓	McCalley, Murphy, <b>Chair</b>	Alameda County, District 4 Supervisor Nate Miley
	Nate, Glenn	Alameda County, District 2 Supervisor Richard Valle
P.	Piras, Pat (waive)	Sierra Club
	Price, Barbara	Alameda County Taxpayers Association
	Saunders, Harriette	Paratransit Advisory and Planning Committee
	Taylor, Deborah	Alameda County, District 3 Supervisor Wilma Chan
	Tucknott, Robert	Alameda County Mayors' Conference, District 4
HZ	Zukas, Hale	Alameda County, District 5 Supervisor Keith Carson

PPL Dave Campbell **STAFF** Bike East Bay

Present	Staff/Consultants	Title
✓	Tess Lengyel	Deputy Director of Planning and Policy
✓	Patricia Reavey	Director of Finance
✓	John O'Brien	Interim Deputy Director of Programming and Allocations
✓	Richard Carney	Program Manager
✓	John Nguyen	Senior Transportation Planner
✓	Angie Ayers	Public Meeting Coordinator

K10. Kanda Ray Express Lanes Program Manager

	NAME	JURISDICTION/ ORGANIZATION	PHONE #	E-MAIL
1.	James O'Brien	Alameda CTC	(510) 208-7464	<del>phone@alameda</del> phone@alameda.ctc.ca
2.	Liz Rutuan	Alameda CTC	510 2087483	erutuan@alamedactc.org
3.	Gerald Carithen	Alameda CTC	510 2085441	CSUTN1@aol.com
4.	Her Bukowski	Regional Video.com		
5.	Jason Bezis	<del>Alameda CTC</del> Alameda CTC	925-962-9843	jbezis@yplow.com
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.				



## **Independent Watchdog Committee Issues Identification Process**

### **Summary**

This issues identification process outlines the responsibilities of the Independent Watchdog Committee (IWC) and identifies the process for IWC members and members of the public to bring issues of concern to the IWC and for IWC to address issues identified on "IWC Issues Forms" (attached).

### **IWC Responsibilities**

The Independent Watchdog Committee is charged with the following as written in the 2000 and 2014 Transportation Expenditure Plans approved by voters.

The Independent Watchdog Committee is appointed pursuant to Measure B and Measure BB to review all expenditures of the Measure B transportation sales tax, to review and oversee all expenditures and performance measures, as appropriate, of the Measure BB transportation sales tax and to monitor Measure B and Measure BB projects and programs. This committee reports directly to the public and has the following responsibilities:

- Hold public hearings and issue reports, on at least an annual basis, to inform Alameda County residents about how the sales tax funds are being spent. The hearings are open to the public and must be held in compliance with the Brown Act, California's open meeting law, with information announcing the hearings well-publicized and posted in advance.
- Have full access to Alameda CTC's independent auditor and have the authority to request and review specific information regarding use of the sales tax funds and to comment on the auditor's reports.
- Publish an independent annual report, including any concerns the committee has about audits it reviews. The report will be published in local newspapers and will be made available to the public in a variety of forums to ensure access to this information.
- Provide a balance of viewpoints, geography, age, gender, ethnicity and income status, to represent the different perspectives of the residents of the county.

### **Review Process**

The purpose for the review of projects and programs by the IWC is to report to the public on findings. To this end, the tasks for the IWC to focus on during review include: 1) proper expenditure of Measure B and Measure BB funds; 2) the timely delivery of projects per contract agreements; and 3) compliance with the projects

## IWC Issues Identification Process

or programs as defined in the voter-approved 2000 and 2014 Transportation Expenditure Plans.

During the review process, IWC members will adhere to the following procedures:

1. Issues raised on an IWC Issues Form regarding Measure B or Measure BB expenditures and/or contract compliance on a project or program may be eligible to be pursued through a request for the project or program sponsor to appear before the IWC. Issues raised by members of the public regarding Measure B and/or Measure BB expenditures must be submitted in writing either to the IWC chair, vice-chair or to the committee at an IWC meeting.
2. Before requesting that staff respond to an issue or calling on a project or program sponsor to appear before the IWC, an IWC member must submit an IWC Issues Form to the IWC chair or vice-chair for placement on the agenda at the next IWC meeting. Issues submitted by a member of the public must be handled in the same manner.
3. The IWC must approve by an affirmative vote the method taken to address an issue identified on an IWC Issues Form, whether originally presented by an IWC member or a member of the public.
4. The IWC may establish a subcommittee, when necessary, to address the issue, question, or concern raised on an IWC Issues Form.
5. The IWC or subcommittee should consider the resources listed below, when addressing an issue raised on an IWC Issues Form.

The reviews are expected to be organized, thorough and efficient, and may result in a clear recommendation for further action, if needed.

### **Resources for IWC (not all inclusive)**

- Adopted 2000 and 2014 Transportation Expenditure Plans
- Up-to-date list of project/program sponsors contacts
- Alameda CTC staff responsible for oversight of the project/program or other expenditures
- Information about public hearings, recent discussions, or news clippings provided by Alameda CTC staff to the IWC by mail or at meetings
- Other Alameda CTC advisory committees (for example, Paratransit Advisory and Planning Committee or Bicycle and Pedestrian Advisory Committee chairpersons may be called on to address an issue)
- Alameda CTC independent auditor and Comprehensive Annual Financial Reports
- Alameda CTC General Counsel

**INDEPENDENT WATCHDOG COMMITTEE ISSUES FORM**

**Alameda County Transportation Commission (Alameda CTC)**  
**1111 Broadway, Suite 800**  
**Oakland, California 94607**  
**Phone: 510-208-7400; Fax: 510-893-6489**

The Independent Watchdog Committee (IWC) is tasked with the review of Measure B expenditures and Measure BB expenditures and performance measures. This form allows for formal documentation of potential issues of concern regarding the expenditure of Measure B and/or Measure BB funds and Measure BB performance measures. A concern should be submitted to the IWC if an issue directly relates to the potential misuse of Measure B or Measure BB funds, non-compliance with the 2000 and/or 2014 Transportation Expenditure Plans approved by voters, or an issue with Measure BB performance measures. Only current IWC members may use this form (an issue brought forward by the public would have to be championed by an IWC member and brought forward to the IWC on an IWC Issues Form by the IWC member).

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Governmental Agency of Concern** (include name of agency and all individual contacts from list of project/program sponsor contacts):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Agency/Contact's Phone Number:** \_\_\_\_\_

**Agency's Address:** \_\_\_\_\_

**City** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Indicate applicable measure:** ☐ Measure B ☐ Measure BB

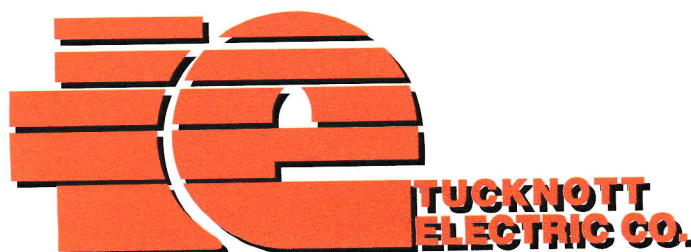
**Indicate the type of Measure B and/or Measure BB expenditure to which this concern relates** (please check one):

☐ Capital Project ☐ Program ☐ Program Grant ☐ Administration

**On the next page, please explain in detail the nature of your concern and how it came to your attention. Include the name of the project or program, dates, times, and places where the issues of which you have concerns took place** (use additional sheets when necessary).







1/11/16

Murphy McCalley  
Watchdog Committee Chair  
Alameda County Transportation Commission  
1111 Broadway  
Suite 800  
Oakland, CA 94607

Dear Mr. McCalley,

I inquired in July of 2015 about the appropriate use of funds held in trust for measure B transportation projects and if any of those funds were used to promote the BB Campaign to include any printed materials, staff time, professionals hired by the committee, etc. I am willing to serve on that committee but I am unable to attend tonight due to a bug I caught over the weekend.

Thank you for your consideration.

Sincerely,



Robert A. Tucknott

***This page intentionally left blank***

## INDEPENDENT WATCHDOG COMMITTEE ISSUES FORM

**Alameda County Transportation Commission (Alameda CTC)**  
**1111 Broadway, Suite 800**  
**Oakland, California 94607**  
**Phone: 510-208-7400; Fax: 510-893-6489**

The Independent Watchdog Committee (IWC) is tasked with the review of Measure B expenditures and Measure BB expenditures and performance measures. This form allows for formal documentation of potential issues of concern regarding the expenditure of Measure B and/or Measure BB funds and Measure BB performance measures. A concern should be submitted to the IWC if an issue directly relates to the potential misuse of Measure B or Measure BB funds, non-compliance with the 2000 and/or 2014 Transportation Expenditure Plans approved by voters, or an issue with Measure BB performance measures. Only current IWC members may use this form (an issue brought forward by the public would have to be championed by an IWC member and brought forward to the IWC on an IWC Issues Form by the IWC member).

**Date:** 1/11/16

**Name:** Bob Tucknott

**Email Address:** bob@tucknott.com

**Governmental Agency of Concern** (include name of agency and all individual contacts from list of project/program sponsor contacts):

Measure B Staff and outside professionals that work and get

paid from Measure B funds held in trust for projects pre-approved

**Agency/Contact's Phone Number:** \_\_\_\_\_

**Agency's Address:** 1111 Broadway, Suite 800

**City** Oakland **Zip Code:** 94607

**Indicate applicable measure:** ☒ Measure B ☐ Measure BB

**Indicate the type of Measure B and/or Measure BB expenditure to which this concern relates** (please check one):

☒ Capital Projects ☒ Program ☒ Program Grant ☒ Administration

**On the next page, please explain in detail the nature of your concern and how it came to your attention. Include the name of the project or program, dates, times, and places where the issues of which you have concerns took place** (use additional sheets when necessary).

Date: \_\_\_\_\_

Time: \_\_\_\_\_

**Location:** ALL FUTURE PROJECTS OF BB

**Project:** \_\_\_\_\_

**Program:** I hereby request that the Watchdog Committee appoint a subcommittee tonight to examine thoroughly: 1) the grand total and detailed accounting of all Measure B funds were expended to design, publish and/or distribute ACTC's "Consider the Future" series of literature distributed to the public before the 2014 Measure BB election and 2) All communications, invoices and billings to/from ACTC and the Wendel Rosen Law Firm during the months that Wendel Rosen served as legal counsel simultaneously to ACTC and to the Yes on BB campaign committee (ID #1362240). The Watchdog Committee requests full cooperation with this subcommittee from the independent auditor and ACTC staff. The subcommittee shall not consult with the Wendel Rosen law firm due to its apparent conflict of interest as counsel simultaneously to ACTC and to the Yes on BB campaign committee nor shall the subcommittee rely on legal advice provided by the Wendel Rosen Law Firm indirectly through ACTC staff and documents

**Action Taken:** Please list other parties or agencies you have contacted in an attempt to more fully understand this issue and any actions you have taken.

OVERSITE COMMITTEE LAST JULY 2015

**IWC FY2015-16 Calendar of Meetings and Activities**

*IWC meets approximately quarterly  
on the second Monday of the month from 6:30 to 8:30 p.m.  
at Alameda CTC offices*

<b>Categories</b>	<b>Monday, July 13, 2015</b>	<b>Monday, November 09, 2015</b>	<b>Monday, January 11, 2016</b>	<b>Monday, March 14, 2016</b>
<b>IWC Annual Report</b>	<ul style="list-style-type: none"> <li>• Public Hearing on CWC Annual Report (substantially final)</li> <li>• Finalize CWC Annual Report and Publication Costs</li> <li>• Approve CWC Annual Report Press Release</li> </ul>	<ul style="list-style-type: none"> <li>• IWC Annual Report Outreach Summary and Publication Cost Update</li> </ul>		<ul style="list-style-type: none"> <li>• Establish IWC Annual Report Subcommittee to create and finalize IWC Annual Report (Subcommittee April through June)</li> </ul>
<b>Measure B and Measure BB Projects and Programs</b>	<ul style="list-style-type: none"> <li>• Issues Identification Process</li> <li>• IWC Projects and Programs Watchlist Next Steps</li> </ul>	<ul style="list-style-type: none"> <li>• Issues Identification Process</li> </ul>	<ul style="list-style-type: none"> <li>• Overview/Update on Measure B and Measure BB Projects and Programs</li> <li>• Issues Identification Process</li> </ul>	<ul style="list-style-type: none"> <li>• Projects and Programs Watchlist (members sign up for projects and programs)(staff to send letters to jurisdictions in July to keep IWC informed)</li> <li>• Issues Identification Process</li> </ul>
<b>Measure B and Measure BB Compliance and Audit Financial Reports</b>		<ul style="list-style-type: none"> <li>• Presentation of FY2014-15 Comprehensive Annual Financial Report by Independent Auditor</li> </ul>	<ul style="list-style-type: none"> <li>• Measure B and Measure BB FY2015-16 Compliance and Audit Reports available on Alameda CTC Website (raw data, not yet reviewed by staff)</li> </ul>	<ul style="list-style-type: none"> <li>• Measure B and Measure BB Audit Report and Program Compliance Report Review Orientation/Workshop</li> <li>• Measure B and Measure BB FY2015-16 Compliance and Audit Reports Forwarded to IWC for Review</li> </ul>
<b>Organizational/Standing Reports</b>	<ul style="list-style-type: none"> <li>• Discussion of IWC Purview</li> <li>• Discussion of IWC Bylaws</li> <li>• Approve IWC FY2015-16 Annual Calendar</li> <li>• Staff Responses to CWC Members Requests for Information</li> <li>• IWC Member Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Election of IWC Officers for FY2015-16</li> <li>• Staff Responses to IWC Members Requests for Information</li> <li>• IWC Member Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Staff Responses to IWC Members Requests for Information</li> <li>• IWC Member Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Staff Responses to IWC Members Requests for Information</li> <li>• IWC Member Reports</li> </ul>

***This page intentionally left blank***

**Alameda County Transportation Commission**  
**Independent Watchdog Committee**  
**Roster - Fiscal Year 2015-2016**

7.3

	Title	Last	First	City	Appointed By	Term Began	Re-apptmt.	Term Expires	Mtgs Missed Since July '15*
1	Mr.	McCalley, Chair	Murphy	Castro Valley	Alameda County Supervisor Nate Miley, D-4	Feb-15		Feb-17	0
2	Ms.	Hawley, Vice Chair	Miriam	Oakland	League of Women Voters	Apr-14		N/A	0
3	Ms.	Brown	Cheryl	Oakland	Alameda Labor Council (AFL-CIO)	Apr-15		N/A	2
4	Mr.	Dominguez	Oscar	Oakland	East Bay Economic Development Alliance	Dec-15		N/A	0
5	Ms.	Dorsey	Cynthia	Oakland	Alameda County Mayors' Conference, D-5	Jan-14	Jan-16	Jan-18	1
6	Mr.	Hastings	Herb	Dublin	Paratransit Advisory and Planning Committee	Jul-14		N/A	0
7	Mr.	Jones	Steven	Dublin	Alameda County Mayors' Conference, D-1	Dec-12	Jan-15	Jan-17	2
8	Mr.	Lester	Brian	Pleasanton	Alameda County Supervisor Scott Haggerty, D-1	Sep-13	Jan-16	Jan-18	3
9	Ms.	Lew	Jo Ann	Union City	Alameda County Mayors' Conference, D-2	Oct-07	Dec-15	Dec-17	0
10	Mr.	Naté	Glenn	Union City	Alameda County Supervisor Richard Valle, D-2	Jan-15		Jan-17	1
11	Ms.	Piras	Pat	San Lorenzo	Sierra Club	Jan-15		N/A	0
12	Ms.	Price	Barbara	Alameda	Alameda County Taxpayers Association	Oct-15		N/A	1
13	Ms.	Saunders	Harriette	Alameda	Alameda County Mayors' Conference, D-3	Jul-09	Jul-14	Jul-16	1
14	Ms.	Taylor	Deborah	Oakland	Alameda County Supervisor Wilma Chan, D-3	Jan-13		Jan-15	1
15	Mr.	Tucknott	Robert A.	Dublin	Alameda County Mayors' Conference, D-4	Jun-14		Jun-16	2

Alameda County Transportation Commission  
Independent Watchdog Committee  
 Roster - Fiscal Year 2015-2016

16	Mr.	Zukas	Hale	Berkeley	Alameda County Supervisor Keith Carson, D-5	Jun-09	May-14	<b>May-16</b>	0
17		<b>Vacancy</b>			<b>Bike East Bay</b>				