1111 Broadway, Suite 800, Oakland, CA 94607



Independent Watchdog Committee Meeting Agenda Monday, March 11, 2019, 5:30 p.m.

510.208.7400

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www.AlamedaCTC.org

	Chair:	Steven Jones	Staff Liaison: <u>Pc</u>	<mark>itricia Reav</mark>	<u>vey</u>
	Vice Chair	Murphy McCalley	Public Meeting Coordinator: <u>Ar</u>	ngie Ayers	
1.	Special A	Annual Compliance Review		Page/A	Action
		ntation/Workshop on Measure	e B and Measure BB Direct Local e Reports	1	Ι
	Prog	gram Compliance Reports (link	7-18 Direct Local Distribution Audit an to reports listed below) ding/reporting-and-grant-forms/	d	Ι
			R MEETING AGENDA bllows compliance review)		
1.	Call to O	rder			
2.	Roll Call				
3.	Public Co	omment			
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	Meeting			Page/A	Action
	Meeting		eeting Minutes	<b>Page</b> //	Action A
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#### 8. Staff Reports

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Next Meeting: Monday, July 8, 2019

Notes:

- All items on the agenda are subject to action and/or change by the committee.
- To comment on an item not on the agenda (3-minute limit), submit a speaker card to the clerk.
- Call 510.208.7450 (Voice) or 1.800.855.7100 (TTY) five days in advance to request a sign-language interpreter.
- If information is needed in another language, contact 510.208.7400. Hard copies available only by request.
- Call 510.208.7400 48 hours in advance to request accommodation or assistance at this meeting.
- Meeting agendas and staff reports are available on the website calendar.
- Alameda CTC is located near 12th St. Oakland City Center BART station and AC Transit bus lines. Directions and parking information are available online.



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#### Alameda CTC Schedule of Upcoming Meetings:

Description	Date	Time
Paratransit Technical Advisory Committee (ParaTAC)	March 12, 2019	9:30 a.m.
Paratransit Advisory and Planning Committee (PAPCO)	March 25, 2019	1:30 p.m.
Alameda CTC Commission Meeting	March 28, 2019	2:00 p.m.
Alameda County Technical Advisory Committee (ACTAC)	April 4, 2019	1:30 p.m.
Finance and Administration Committee (FAC)		8:30 a.m.
I-680 Sunol Smart Carpool Lane Joint Powers Authority (I-680 JPA)		9:30 a.m.
I-580 Express Lane Policy Committee (I-580 PC)	April 8, 2019	10:00 a.m.
Planning, Policy and Legislation Committee (PPLC)		10:30 a.m.
Programs and Projects Committee (PPC)		12:00 p.m.
Bicycle and Pedestrian Community Advisory Committee (BPAC)	May 16, 2019	5:30 p.m.
Joint Paratransit Advisory and Planning Committee (PAPCO) and Paratransit Technical Advisory Committee (ParaTAC)	May 20, 2019	1:30 p.m.
Independent Watchdog Committee (IWC)	July 8, 2019	5:30 p.m.

All meetings are held at Alameda CTC offices located at 1111 Broadway, Suite 800, Oakland, CA 94607. Meeting materials, directions and parking information are all available on the <u>Alameda CTC website</u>.

**Commission Chair** Supervisor Richard Valle, District 2

**Commission Vice Chair** Mayor Pauline Cutter, City of San Leandro

AC Transit Board President Elsa Ortiz

Alameda County Supervisor Scott Haggerty, District 1 Supervisor Wilma Chan, District 3 Supervisor Nate Miley, District 4

Supervisor Keith Carson, District 5

Vice President Rebecca Saltzman

**City of Alameda** Mayor Marilyn Ezzy Ashcraft

**City of Albany** Mayor Rochelle Nason

City of Berkeley Mayor Jesse Arreguin

**City of Dublin** Mayor David Haubert

**City of Emeryville** Councilmember John Bauters

**City of Fremont** Mayor Lily Mei

**City of Hayward** Mayor Barbara Halliday

**City of Livermore** Mayor John Marchand

**City of Newark** Councilmember Luis Freitas

**City of Oakland** Councilmember At-Large Rebecca Kaplan Councilmember Shang Thao

**City of Piedmont** Vacant

**City of Pleasanton** Mayor Jerry Thorne

**City of Union City** Mayor Carol Dutra-Vernaci

Executive Director Arthur L. Dao This page intentionally left blank



# Memorandum

1111 Broadway, Suite 800, Oakland, CA 94607

PH: (510) 208-7400

DATE:	March 4, 2019
TO:	Independent Watchdog Committee
FROM:	John Nguyen, Senior Transportation Planner Andrea Gomez, Assistant Transportation Planner
SUBJECT:	Orientation/Workshop on Measure B and Measure BB Direct Local Distribution Audit and Compliance Reports

#### Recommendation

Receive an orientation on Fiscal Year 2017-18 (FY2017-18) Compliance Reporting Review Process. This item is for information only.

#### 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 financial and project expenditure activity and fund balances. This year's compliance reporting period is for FY2017-18. Recipients' reports for this reporting period are posted on the Alameda CTC website and available for review. The Independent Watchdog Committee (IWC) members may review these reports for compliance with the 2000 Measure B Transportation Expenditure Plan (2000 TEP) and 2014 Measure BB Transportation Expenditure Plan (2014 TEP) 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, according to a formula outlined in the respective 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 for Measure B and Measure BB, respectively. Each year, recipients are required to submit Audited Financial Statements and Compliance Reports



to confirm Measure B/BB fund balances, annual revenues and expenditures and the completion of reporting obligations.

Recipients' Audited Financial Statements and Compliance Reports for the FY2017-18 reporting period were due to Alameda CTC by December 28, 2018. Alameda CTC conducted a preliminary review of the submitted reports, and some requests were made for recipients to revise and resubmit their reports to address data reporting issues or financial discrepancies between the Audited Financial Statements and Compliance Reports. The reports are posted on Alameda CTC's website:

https://www.alamedactc.org/funding/reporting-and-grant-forms/. 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 TEP and the 2014 TEP. 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 created to provide IWC members with an outline of the compliance reporting structure and key elements to assist in their review. Historically, the IWC has focused its review on expenditures identified in the Audited Financial Statements and Program Compliance Reports for accuracy and expenditure eligibility.

IWC inquiries on the recipient's compliance reports are due to Alameda CTC by March 22, 2018. IWC member's comments may be sent to the Alameda CTC staff contacts listed above in this staff report (agomez@alamedactc.org and jnguyen@alamedactc.org) by including them in the body of an email or by using the IWC Comments Form (Attachment B, available for download at https://www.alamedactc.org/wp-content/uploads/2019/02/IWC MB-MBB ComplianceReviewForm.xlsx). Alameda CTC staff will forward the IWC member's inquiries to the DLD recipients, and responses will be brought back to the next IWC meeting in July. The review schedule is as follows:

Program Compliance Review Schedule										
By December 28, 2018	Recipients' Audited Financial Statements and Compliance Reports Due									
January 2019	Alameda CTC reviews and requests revisions to the recipient reports (as necessary).									
February 2019	Recipients submit revised reports; revised reports posted onto Alameda CTC's website.									
March 11, 2019	Program Compliance Review Orientation Workshop									
(IWC Meeting)	Staff provides general review guidance									
March 22, 2019	IWC comments due to Alameda CTC									
April 2019	IWC comments forwarded to recipients for response									
July 2019	IWC receives response to comments and summary report									

Fiscal Impact: There is no fiscal impact associated with the requested action.

#### Attachments:

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



### Measure B and Measure BB Program Compliance Review Guide For Fiscal Year 2017-18

#### 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 Transportation 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 document is to provide details about the current approach to the IWC review process and guidance to assist IWC members in their review.

### 1.2 Scope

Alameda CTC entered into Master Programs Funding Agreements (MPFA) with local jurisdictions and transit agencies who are eligible to receive Measure B and Measure BB Direct Local Distribution (DLD) funds. The agreements require the recipients to report their expenditures annually. Fund recipients report 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 is required to submit annual Audited Financial Statements and a Compliance Report to Alameda CTC by the end of December. Beginning in the spring, the IWC and Alameda CTC staff review these Audited Financial Statements and reports to determine if the recipients are compliant. 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 utilizes this data to generate an Annual Report to the public in the summer.

www.AlamedaCTC.ora

#### 1.3 Definitions

- A. Alameda County Transportation Commission (Alameda CTC or "Commission"): 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 incorporated 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 and Measure BB revenues and expenditures annually for each program. Alameda CTC creates the template form and defines the requirements for this report.
- E. **Compliance Workshop:** A public workshop that Alameda CTC holds each fall to educate Measure B and Measure BB fund recipients regarding their annual compliance reporting requirements. Staff presents the compliance report form, explains any changes to the compliance report form, provides 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 (generally a 12 month period) used for financial statement reporting and budgeting 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 Transportation Expenditure Plans that receive funding on a percentage-of-revenues formula basis, or through a discretionary grant program.

- I. Recipient: A Measure B and Measure BB fund recipient that signed a Master Programs Funding Agreement (MPFA) with Alameda CTC. Alameda CTC provides Measure B and Measure BB Direct Local Distribution Funds to twenty (21) 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 (which is part of Union City's distribution), 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 one (1) county (Alameda County).
- J. **Review:** An examination of recipients' audited financial statements and compliance report submissions for conformance of expenditures with Measure B/BB transportation programs and other contract-related requirements.

### 1.4 Responsibilities

The IWC is responsible for reporting directly to the public with respect to its conclusions regarding expenditures under the Transportation Expenditure Plans. This responsibility is primarily exercised by reviewing and reporting on the audited financial statements and compliance reports submitted by the participating local agencies. Each year, the IWC produces an Annual Report to the Public summarizing its findings on sale tax expenditure activities.

- A. **IWC:** The IWC members conduct a review of audited financial statements and compliance reports. IWC members may submit questions to staff regarding the reports submitted by DLD recipients to request clarification of their expenditures.
- B. Alameda CTC staff: Staff ensures that all compliance reports and audited financial statements submitted are available to the public by posting them on the Alameda CTC website. Staff also reviews the reports and audited financial statements, and facilitates inquiries and responses to and from the DLD recipient's regarding their reports. In addition, Alameda CTC staff works collaboratively to assist IWC members in preparing the Annual Report to the Public.

### 1.5 Review Process

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

### 1.6 Timeline

For fiscal year 2018-2019 reporting, the timeline is as follows:

Program Compliance R	Program Compliance Review Schedule										
By December 28, 2018	Recipients' Audited Financial Statements and										
	Compliance Reports Due										
January 2019	Alameda CTC reviews and requests revisions to the										
	recipient reports (as necessary).										
February 2019	Recipients submit revised reports; revised reports posted										
	onto Alameda CTC's website.										
March 11, 2019	Program Compliance Review Orientation Workshop										
(IWC Meeting)	<ul> <li>Staff provides general review guidance</li> </ul>										
	Hardcopies of reports made available										
March 22, 2019	IWC comments due to Alameda CTC										
March 22-30, 2019	Staff accumulates and organizes IWC comments and										
	questions for distribution to recipients										
April 2019	IWC comments forwarded to recipients for response										
July 2019	IWC receives response to comments and summary										
	report										

#### 1.7 Audited Financial Statement Review

IWC members and Alameda CTC staff review each set of Audited Financial Statements to assess financial information such as:

- A. The Audited Financial Statements indicate that the jurisdiction has separate accounting and reporting for each type of Measure B and Measure BB DLD funds received.
- B. Expenditures types are identifiable as transportation related expenditures, and there are no arbitrary expenditure line items, such as fund transfers.
- 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 and Measure BB requirements.
- E. The figures in the Audited Financial Statements tie to the figures in the compliance report, prior year-end fund balances, and amounts in internal DLD distribution schedules.

#### 1.8 Program Compliance Report Review

IWC members and Alameda CTC staff review each compliance report for various items, some of which include:

- 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 fund type.
- D. The project information is specific or detailed enough to show that 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 in the audited financial statements.

#### 1.9. Program Compliance Report Structure

Jurisdictions are expected to complete all relevant sections for DLD program funds received and expended. The Program Compliance Report is organized in the following order and includes the following:

- Cover: Agency Contact Information
- General Compliance Questions for all programs (Bike/Ped, Local Streets and Roads, Transit, Paratransit)
- Table 1 Summary of Revenue, Expenditures, and Changes in Fund Balances: This table includes a summary of revenues and expenditures for the fiscal year. The figures reported in this table must tie to the Audited Financial Statements and Compliance report (Table 1 and 2).
- Table 2 Detailed Summary of Expenditures and Accomplishments: this table includes a detailed summary of the expenditures incurred during the fiscal year. It describes specific expenditure activities and accomplishments made with the Measure B and Measure BB investments. In Table 2, recipients report performance metrics required by the MPFA. The figures reported must tie to the Audited Financial Statements and Compliance report (Table 1 and 2).
- DLD Recipient's Confirmation of Use of Direct Local Distribution Funds form which confirms that DLD funds were used to supplement and not replace existing local revenues used for transportation purposes.

#### 2.0 Annual Compliance Report to the Public

After the Audited Financial Statements and Compliance reports are analyzed, the IWC develops an Annual Report to the Public which generally includes information from the reports' financial and expenditures data.

#### 2.1 General Review Guidance

Alameda CTC staff reviews the Audited Financial Statements and Compliance Reports to resolve financial discrepancies or reporting issues. The IWC reviews expenditures from the prior fiscal year and raises any concerns they might have regarding compliance with TEP requirements. Recipients have the flexibility to expend funds on projects/programs as approved through their own local public process. However, if an expenditure does not appear to fit within programmatic requirements, seems out of sync with Measure B/BB program purposes, or it is unclear if the money was spent in accordance with the Transportation Expenditure Plan, then the use of Measure B and/or Measure BB funding should be questioned.

## 2.2 Timely Use of Funds Compliance Monitoring

In December 2015, the Commission approved the Timely Use of Funds Policies below:

**POLICY:** RECIPIENT shall not carry a fiscal year ending fund balance greater than 40 percent of the Direct Local Distribution revenue received for that same fiscal year for four consecutive fiscal years, by funding program. Non-compliance with this policy may invoke rescission penalties per the Use it or Lose It Policy.

RECIPIENT may seek an exemption from the Timely Use of Funds Policy through the Annual Program Compliance reporting process. RECIPIENT must demonstrates that extraordinary circumstances have occurred and provide a timely expenditure plan that would justify the exemption. Exemption requests must be submitted to ALAMEDA CTC and approved by the Commission.

**IMPLEMENTATION:** Through the Annual Program Compliance reporting process, ALAMEDA CTC will monitor the RECIPIENT's annual Ending Fund Balance to Revenue Received Ratio, cumulatively across the RECIPIENT's programmatic categories by fund program, to verify policy compliance.

Each jurisdiction that receives Measure B and Measure BB Direct Local Distribution Program funds is required to comply with this policy as referenced in the recently executed 2016 MPFA between the jurisdiction and Alameda CTC.

This Timely Use of Funds Policy is effective for funds received for Fiscal Year 2016-17, and will be monitored during the Fiscal Year 2016-17 program compliance review process.

Refer to the Alameda CTC's website for complete Timely Use of Funds Policies and Use It or Lose It Policy information: https://www.alamedactc.org/funding/reporting-andgrant-forms/.

# 2.3 Measure BB Requirement: 15 percent of Measure BB Local Street and Roads (LSR) funds must be expended on Bicycle and Pedestrian improvements.

DLD recipients are required to report the use of Measure BB LSR funds on bicycle/pedestrian improvements through the compliance report. A minimum of 15 percent of LSR funds must be expended on bicycle and pedestrian improvements over the life of the Measure BB program. Table 2: Detailed Summary of Expenditures and Accomplishments includes a section for jurisdictions to report LSR expenditures used towards bicycle/pedestrian improvements. DLD recipients are advised to expend a minimum of 15 percent annually to ensure long-term compliance; however, this is not required. Alameda CTC monitors compliance with this requirement over the life of the measure and will report the status of DLD recipient's compliance periodically through the annual Program Compliance Summary Report to the Commission.

## 2.4 Measure BB Performance Measures Monitoring

DLD recipients' must use Measure B and Measure BB funds for eligible program activities. All expenditures must be documented and include a description of the accomplishment and performance of the DLD investment. The performance measures reporting requirements, approved by the Commission, are included in the DLD recipient's MPFA.

Refer to the Alameda CTC's website for Performance Measures that are required to be reported per the MPFA: <u>https://www.alamedactc.org/funding/reporting-and-grant-forms/</u>.

Table 2: Detailed Summary of Expenditures and Accomplishments includes specific reporting fields for recipients to provide information regarding their expenditures and performance. This table provides an annual snapshot of DLD recipient's performance and accomplishments for IWC member's review.

Performance reporting will be done through a variety of Alameda CTC's reporting processes including the annual program compliance reports, annual performance report, Paratransit program plan, and other planning activities where feasible and applicable.

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#### 1. Call to Order

Independent Watchdog Committee (IWC) Chair Steve Jones called the meeting to order. Chair Jones welcomed new member Thomas Rubin. Mr. Rubin gave a brief selfintroduction.

#### 2. Roll Call

A roll call was conducted and all members were present with the exception of Keith Brown, Curtis Buckley, Glenn Nate and Harriette Saunders.

#### Subsequent to the roll call:

Keith Brown arrived during item 6.1.

#### 3. Public Comment

A public comment was heard from Charlie Cameron. He expressed concern about the Union City Intermodal BART Station project on the east side of the station.

#### 4. Meeting Minutes

#### 4.1. Approval of November 19, 2018 IWC Meeting Minutes

Pat Piras made a motion to approve this item. Oscar Dominguez seconded the motion. The motion passed with the following votes:

Dominguez, Hastings, Jones, McCalley, Piras, Tilchen, Zukas Yes:

No: None

Abstain: Knoop, Rubin

Brown, Buckley, Nate, Saunders Absent:

### 5. Measure B and Measure BB Projects and Programs

#### 5.1. Measure B and Measure BB Programs Update

John Nguyen provided an update on Alameda CTC's Direct Local Distributions (DLD's) program, including a review of the DLD fund balances and program compliance monitoring processes. He covered the Measure B, Measure BB, and VRF discretionary programs and concluded by providing information on next steps for both the DLD and discretionary programs. Mr. Nguyen noted that Alameda CTC has received the financial and compliance reports from all DLD recipients for the fiscal year 2017-18 reporting period, with the exception of the City of Albany.

Murphy McCalley asked what the dollar amount of the new discretionary program will be. Mr. Nguyen said staff is currently reviewing programming capacity and has not yet determined the amount.

Pat Piras asked if a jurisdiction is not in compliance with the DLD requirements, would that affect their eligibility to receive discretionary funding. Mr. Nguyen stated that discretionary funding is not currently affected by DLD compliance issues; however, he noted that past performance on DLD spending and discretionary spending may be a factor in the new guidelines that will be considered by the Commission for future Comprehensive Investment Plan updates.

Cary Knoop wanted to confirm that all jurisdictions except for the City of Albany have submitted their financial information. Mr. Nguyen said that all jurisdictions except the City of Albany have submitted their audited financial statements and their program compliance reports.

Steve Jones asked why the City of Albany is delayed in sending their information. Mr. Nguyen noted that Albany has indicated that they have had staffing turnover and system changes that have limited their ability to provide the reports. He noted Alameda CTC staff is working with the City of Albany staff to determine when we will receive the information.

This item is for information only.

#### 5.2. Measure B and Measure BB Capital Projects Update

Trinity Nguyen provided an update on Measure B and Measure BB capital projects. Her presentation covered funding highlights from the 2000 and 2014 sales tax measures as well as information on project management and corridor improvements. She also provided details on projects directly managed by Alameda CTC, updating the committee on 2018 milestones, achievements, as well as expected milestones for the coming year. Ms. Nguyen encouraged the committee to visit the Alameda CTC website for more information on projects.

Cary Knoop asked if Alameda CTC prepares environmental studies that meet both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) requirements. Ms. Nguyen confirmed that Alameda CTC projects must go through environmental clearances and the type of documents are dependent on the type and location of projects.

Mr. Knoop asked if geographic equity is taken into account for all regions of the County. Ms. Nguyen stated that geographic equity was a consideration in development of the expenditure plan.

Pat Piras asked what discussion has taken place to extend the East Bay Greenway (EBGW) to the Santa Clara County Line. Ms. Nguyen stated that Alameda CTC is addressing implementation of the project in segments, beginning with the Lake Merritt to South Hayward BART station project limit. She noted that the City of Fremont has also done some project development work in the southern part of the county related to the EBGW project.

Ms. Piras asked if the slide labeled South/East Corridors is referring to the same East West Connector project under a different name. Ms. Nguyen said no. Ms. Piras asked when a project moves from one phase to another phase, how are interested parties notified. Ms. Nguyen stated that during the environmental process project specific outreach is conducted through a multitude of venues, including Alameda CTC's website and some projects also include newspaper advertisements and mailings to the impacted community.

This item is for information only.

#### 6. Measure B/Measure BB Compliance and Audited Financial Reports

#### 6.1. Fiscal Year 2017-18 Measure B/BB Compliance Review Process Update

John Nguyen gave an update on the annual program compliance report review process for Measure B and Measure BB DLD recipients. He stated that all recipients submitted the required audited financial statements and program compliance reports, with the exception of the City of Albany, and the unedited reports are available on Alameda CTC's website. He noted that Alameda CTC staff will review the submittals and work with the DLD recipients to ensure completion and consistency of data across the various reports. He noted the final reports will be available for IWC review in March 2019.

Steve Jones asked if the IWC annual compliance report workshop will take place before the actual March 11, 2019 meeting. Patricia Reavey said, yes, the review workshop will take place before the next IWC meeting at 5:30 p.m.

Cary Knoop asked for confirmation of the compliance review process and noted that he does not like the idea of Alameda CTC reviewing the compliance information before the IWC. He suggested Alameda CTC and IWC review the compliance reports in parallel. Ms. Reavey stated that the reports are on the website now if IWC members wish to review the original reports as submitted. She stated that staff reviews the draft reports and will have jurisdictions make necessary corrections for obvious errors. Once the reports are final, IWC is asked to review. Ms. Reavey also informed Mr. Knoop that all of the comments that are generated by staff and the IWC will be put in a matrix for the IWC to review. Ms. Reavey said an IWC subcommittee is formed during the March IWC meeting and this subcommittee will review and vet the issues to determine what they want to include in the annual report to the public.

Pat Piras said only a snapshot of what a jurisdiction is actually doing with their DLD funds can be seen in a single year's report. Ms. Piras asked if there is a way to look at a timeline for a jurisdiction versus a snapshot. Ms. Reavey stated that the past compliance reports and the distributions are on the Alameda CTC website under the funding tab.

Cary Knoop stated that the multi-year information is under the IWC purview as well as the current year. Ms. Reavey said all the information is on the website.

Carl Tilchen suggested that from a practical point of view, the IWC should make sure the DLD funds are being used in the right way, for example, fixing potholes. Mr. Jones said that if a jurisdiction wants to use a portion of their DLD funds for road repair they can; however, the IWC cannot direct recipients how to spend their funds. Tess Lengyel stated that DLDs are sent to locals agencies based on a formula set in the TEP for their use on locally determined priorities. She noted that the local governing bodies develop their own capital improvement programs, and Alameda CTC is only one funding source among many. Alameda CTC provides allocations on an annual basis and the IWC reviews if the agency is spending Measure B and Measure BB funds in accordance with the TEP.

This item is for information only.

#### 7. IWC Member Reports/Issues Identification

#### 7.1. Chair's Report

Chair Jones did not have new items to report.

#### 7.2 Issues Identification Process and Form

Carl Tilchen submitted an issues identification form, which he reviewed with the committee. He stated that Rebecca Tilchen, manager of Arc of the East Bay, reported to him an ongoing problem with East Bay Paratransit in the Livermore area. He also cited a problem that a BART official is having with East Bay Paratransit services. Mr. Tilchen asked how the IWC can work together with the BART official to fix East Bay Paratransit's service. He then asked how much EBP services cost, including their operations. Chair Jones stated that this issue is outside of the IWC's purview. The IWC determined this item is not an issue for the IWC, therefore the item will not be placed on a future IWC agenda.

Herb Hastings asked Mr. Tilchen if his issues involved the Tri-Valley services with Wheels. Mr. Tilchen said yes. Mr. Hastings volunteered to speak with Mr. Tilchen after the meeting to provide more information.

Cary Knoop requested clarification on the process of discussing issues submitted outside of the agenda. Ms. Reavey stated that this item is on the agenda to provide IWC members information regarding the process required to submit issues/concerns that they want to have come before the committee. She explained that if the IWC had received the form submitted by Mr. Tilchen in advance, it would have been on the agenda and in the packet.

#### 8. Staff Reports

#### 8.1. Staff Responses to Concerns Related to Measure BB Implementing Guidelines

Patricia Reavey stated that during the November 2018 meeting, members raised questions related to Measure BB implementing guidelines in the TEP and how some of these items are addressed in the annual compliance reports received from DLD recipients. Ms. Reavey provided highlights on Measure BB implementing guidelines Numbers 4, 5, 7, 9, and 13 as detailed in the packet starting on page 35.

Pat Piras asked if the confirmation of the maintenance of effort has been made a part of the new DLD compliance form(s). Mr. Nguyen stated that he created a self-certification form regarding maintenance of effort that all DLD recipients are required to complete and sign. Ms. Piras then asked if the IWC may get a copy of

the form. Mr. Nguyen stated a copy can be furnished at the compliance review workshop and is also currently available on the website.

Pat Piras asked about a reference of the ten-year funding agreement. Ms. Reavey stated that the reference was in the minutes and the original master funding agreement that was signed by the DLD recipients is a ten-year funding agreement that included performance measures. Ms. Reavey also stated that the agreement has been revisited every ten years.

Pat Piras stated that geographic equity will go before the Commission after 5 years of the sales tax implementation per the TEP. She asked which Committee will receive the report. Ms. Lengyel said it will go through the Planning, Policy and Legislation Committee. Ms. Piras stated that the IWC will not have an opportunity to comment on the geographic equity if it's reviewed subsequent to the Commission.

Cary Knoop said he attended the Compliance Workshop in September 2018 and he felt the recipients accepted what they needed to do without question. Mr. Knoop suggested that the process should be iterative. Mr. Nguyen stated that the compliance process has evolved over multiple years with input from DLD recipients, the Commission, committee members, and staff, which has resulted in a very comprehensive and streamlined compliance process that works.

Murphy McCalley informed the committee that a subcommittee will be formed at the March 11, 2019 meeting for volunteers to serve on the IWC Annual Report Subcommittee.

#### 9.2. IWC Calendar

The Committee calendar was provided in the agenda packet for review purposes.

### 9.3. IWC Roster

The Committee roster was provided in the agenda packet for review purposes.

### 9. Adjournment

The meeting adjourned at 7:35 p.m. The next meeting is scheduled for March 11, 2019 at the Alameda CTC offices.

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# IWC Member: Measure B **Capital Projects Monitoring**

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Member's Names	Appointed By													
Brown, Keith	Alameda Labor Council AFL-CIO													
Buckley, Curtis	Bike East Bay										Х			
Dominguez, Oscar	East Bay Economic Development Alliance				Х									
Hastings, Herb	Paratransit Advisory and Planning Committee													
Jones, Steven	Alameda County Mayors' Conference, D-1													
Knoop, Cary	Alameda County Mayors' Conference, D-2													
McCalley, Murphy	Alameda County Supervisor Nate Miley, D-4													
Nate, Glenn	Alameda County Supervisor Richard Valle, D-2													
Piras, Pat	Sierra Club													
Rubin, Thomas	Alameda County Taxpayers Association													
Saunders, Harriette	Alameda County Mayors' Conference, D-3													
Tilchen, Carl	Alameda County Supervisory Scott Haggerty, D-1													
Zukas, Hale	Supervisor Keith Carson, D-5				Х									
Vacancy	Alameda County Mayors' Conference, D-4													
Vacancy	Alameda County Mayors' Conference, D-5													
Vacancy	Alameda County Supervisor Wilma Chan, D-3													
Vacancy	League of Women Voters													

- ACE Capital Imp unty: Construction

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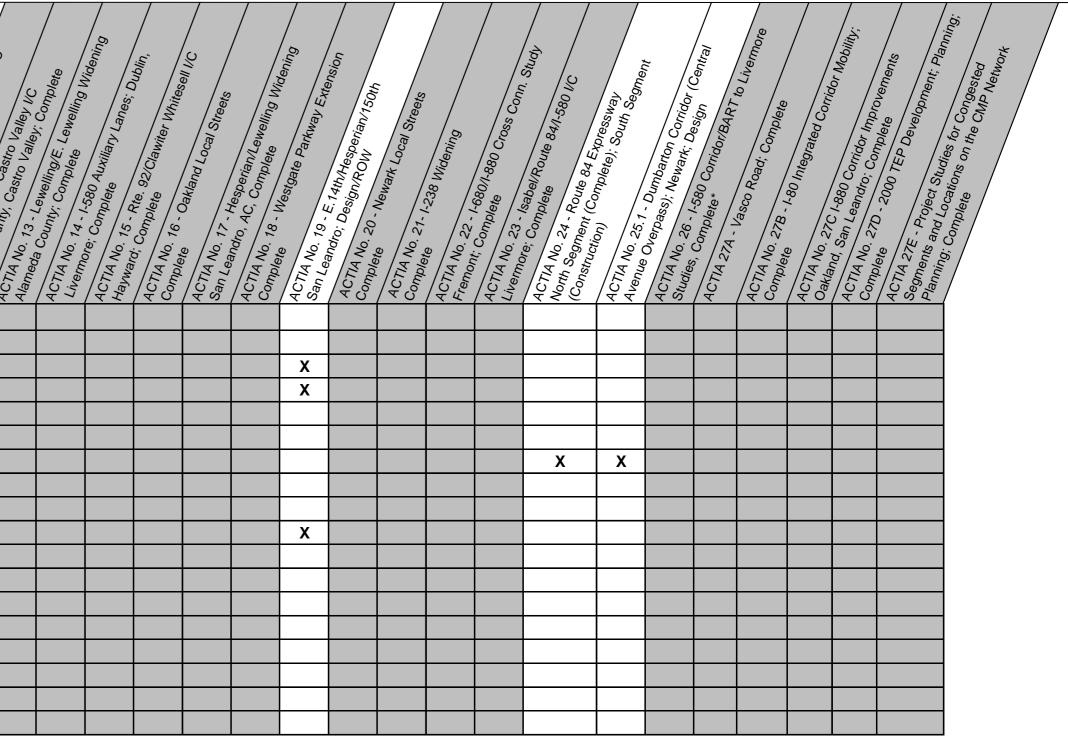
n City In

- BART Fruit

<u>Notes</u>

The Projects Marked with an "X" above are those I am interested in monitoring. \* Measure B funding Commitment met.

PE/ENV = Preliminary Engineering/Environmental



Signature

IWC Member: Measure BB
Capital Projects Monitoring

IWC Member: Measure BB Capital Projects Monitoring		TEP No. 13. Tol.	TEP No. 14 - Alaz	TEP No. 15. 0	TEP No. 16 - Could NacArthur BRT Rapid Bus	TEP No. 17 - Inst	TEP No. 18 - Bo.	TEP No.20-BAS	TEP No.22 - Unit to Livermore Extension	TEP No.24Phase	TEP No.29 - Leo	TEP No.30 - Loc	TEP No.31 - SD	TEP No.32 - Sp. 680 Interchange	TEP No.33 - LEC	TEP No.35 - LEO	TEP No.36 - Los	TEP No.37 - Loc	TEP No.38 - Log Circulation and Circulation A	TEP No.39 - Leos Interchance Induced	vements old Industrial Parkway Interchange
Member's Names	Appointed By																				
Brown, Keith	Alameda Labor Council AFL-CIO																				
Buckley, Curtis	Bike East Bay											X									_
Dominguez, Oscar	East Bay Economic Development Alliance										X		X	X		X					_
Hastings, Herb	Paratransit Advisory and Planning Committee							X													
Jones, Steven	Alameda County Mayors' Conference, D-1	X						X													
Knoop, Cary	Alameda County Mayors' Conference, D-2					X		X	X				X								_
McCalley, Murphy	Alameda County Supervisor Nate Miley, D-4		X	X			X	X									X		X	X	
Nate, Glenn	Alameda County Supervisor Richard Valle, D-2																				
Piras, Pat	Sierra Club	X			X		X	X		X							X	X			
Rubin, Thomas	Alameda County Taxpayers Association																				_
Tichen, Carl	Alameda County Supervisor Scott Haggerty, D-1																				]
Saunders, Harriette	Alameda County Mayors' Conference, D-3																				]
Zukas, Hale	Supervisor Keith Carson, D-5	X		x	X	X	X	X	X			X			X						]
Vacancy	Alameda County Mayors' Conference, D-4																				]
Vacancy	Alameda County Mayors' Conference, D-5																				]
Vacancy	Alameda County Supervisor Wilma Chan, D-3																				]
Vacancy	League of Women Voters																				J

The projects marked with an "X" above are those I am interested in monitoring.

Signature

IWC Men Measure Direct Lo Grants M	Alamed	Albany is P.C.	Berkelo.	$\mathbf{r}$	Emerina (BP, LSP, G)	1.	Hayward (BP, LSR, P. C.)	Livermon LSR, P.C.	Newart Sty C.	Oakland, LSR, P, G)	Piedmond (BP, LSR, P. C.	Pleased (BP, LSR, G)	San Loc (Bp, LSR, D	Union Ciencie (BP, LSR C)	Alament (BP, LSR, P. G)	AC Trong County (BP 10	Altamon, T, G)	BART	LAVTA (), T, G) (T, G)	Union O:	WETA Const Open	Ferry Services (T, G)	
Member's Name	Appointed By																						
Brown, Keith	Alameda Labor Council AFL-CIO																						
Buckley, Curtis	Bike East Bay			Х																			
Dominguez, Oscar	East Bay Economic Development Alliance										Х			Х									
Hastings, Herb	Paratransit Advisory and Planning Committee				Х																		
Jones, Steven	Alameda County Mayors' Conference, D-1				Х				Х				Х										
Knoop, Cary	Alameda County Mayors' Conference, D-2						Х			Х					Х								
McCalley, Murphy	Alameda County Supervisor Nate Miley, D-4																Х						
Nate, Glenn	Alameda County Supervisor Richard Valle, D-2																						
Piras, Pat	Sierra Club															Х		X	X			X	
Rubin, Thomas	Alameda County Taxpayers Association																						
Saunders, Harriette	Alameda County Mayors' Conference, D-3																			L			
Tilchen, Carl	Alameda County Supervisor Scott Haggerty, D-1																			_			
Zukas, Hale	Supervisor Keith Carson, D-5			Х													X		X	L		X	
Vacancy	Alameda County Mayors' Conference, D-4																			L			
Vacancy	Alameda County Mayors' Conference, D-5																			L			
Vacancy	Alameda County Supervisor Wilma Chan, D-3																			L			
Vacancy	League of Women Voters																						

#### <u>Notes</u>

An "X" above indicates interest in monitoring the entire agency's program funds. If only interested in a specific program by an agency, distinguish this by writing a BP, LSR, T, P, G for the program(s) of interest.

BP = Bicycle and Pedestrian Program LSR - Local Streets and Roads (Local Transportation) Program

- T = Transit Program P = Paratransit Program

G = Grants

Signature

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1111 Broadway, Suite 800, Oakland, CA 94607

510.208.7400

## 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

# **IWC Issues Identification Process**

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 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:

- 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.
- 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.
- 6. If requested, staff shall respond in writing to the issue.

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:											
City		_ Zip Code:									
Indicate applicable r	neasure:	□ Measure B	□ Measure BB								
Indicate the type of A concern relates (plec	se check one):										
	L Program	L Program Gr	ant 🛛 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).

7.3A

Date:
Time:
Location:
Project:
·
Program:
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.

#### IWC FY2018-19 Calendar/Work Plan IWC FY2018-19 Calendar/Work Plan on the second Monday of the month from 5:30 to 7:30 p.m. at Alameda CTC Offices

Categories	Monday, July 09, 2018	Monday, November 19, 2018*	Monday, January 14, 2019	Monday, March 11, 2019	Monday, July 08, 2019
IWC Annual Report	<ul> <li>IWC photo for Annual Report</li> <li>Public Hearing on IWC Annual Report (substantially final)</li> <li>Finalize/Approve IWC Annual Report and Publication Costs</li> <li>IWC Annual Report Press Release</li> </ul>	IWC Annual Report     Outreach Summary and     Publication Cost Update		• Establish IWC Annual Report Subcommittee to create and finalize IWC Annual Report (Subcommittee meets April through June)	<ul> <li>IWC photo for Annual Report</li> <li>Public Hearing on IWC Annual Report (substantially final)</li> <li>Finalize/Approve IWC Annual Report and Publication Costs</li> <li>IWC Annual Report Press Release</li> </ul>
Measure B and Measure BB Projects and Programs	<ul> <li>Issues Identification Process</li> <li>IWC Projects and Programs Watchlist Next Steps</li> </ul>	Issues Identification Process	<ul> <li>Overview/Update on Measure B and Measure BB Projects and Programs</li> <li>Issues Identification Process</li> </ul>	<ul> <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>	<ul> <li>Issues Identification Process</li> <li>IWC Projects and Programs</li> <li>Watchlist Next Steps</li> </ul>
Measure B and Measure BB Compliance and Audited Financial Reports	<ul> <li>Measure B and Measure BB Program Compliance Report Summary</li> <li>Independent Auditor Work Plan</li> </ul>	<ul> <li>Presentation of FY2017-18 Comprehensive Annual Financial Report by Independent Auditor</li> <li>Discussion of Measure BB Implementing Guidelines and Performance Measures</li> </ul>	<ul> <li>Measure B and Measure BB FY2017-18 Compliance and Audit Reports available on Alameda CTC Website (raw data, not yet reviewed by staff)</li> <li>Refined discussion Re: Implementing Guidelines and Performance Measures</li> </ul>	<ul> <li>Measure B and Measure BB Audit Report and Program Compliance Report Review Orientation/ Workshop</li> <li>Measure B and Measure BB FY2017-18 Compliance and Audit Reports Forwarded to IWC for Review</li> </ul>	<ul> <li>Measure B and Measure BB Program Compliance Report Summary</li> <li>Independent Auditor Work Plan</li> </ul>
Organizational / Standing Reports	<ul> <li>Election of IWC Officers for FY2018-19</li> <li>Approve IWC FY2018-19 Annual Calendar/Work Plan</li> <li>IWC Member Reports</li> <li>Staff Responses to IWC Members Requests for Information</li> <li>IWC FY2018-19 Budget</li> </ul>	IWC Member Reports     Staff Responses to IWC Members Requests for Information	IWC Member Reports     Staff Responses to IWC Members Requests for Information	IWC Member Reports     Staff Responses to IWC Members Requests for Information	<ul> <li>Election of IWC Officers for FY2019-20</li> <li>Approve IWC FY2019-20 Annual Calendar/Work Plan</li> <li>IWC Member Reports</li> <li>Staff Responses to IWC Members Requests for Information</li> <li>IWC FY2019-20 Budget</li> </ul>

\* This date has been adjusted due to an agency holiday or based on a pre-existing scheduling conflict.

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## Alameda County Transportation Commission Independent Watchdog Committee Roster - Fiscal Year 2018-2019

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	Title	Last	First	City	Appointed By	Term Began	Re-apptmt.	Term Expires
1	Mr.	Jones, Chair	Steven	Dublin	Alameda County Mayors' Conference, D-1	Dec-12	Jan-17	Jan-19
2	Mr.	McCalley, Vice Chair	Murphy	Castro Valley	Alameda County Supervisor Nate Miley, D-4	Feb-15	Mar-17	Mar-19
3	Mr.	Brown	Keith	Oakland	Alameda Labor Council (AFL-CIO)	Apr-17		N/A
4	Mr.	Buckley	Curtis	Berkeley	Bike East Bay	Oct-16		N/A
5	Mr.	Dominguez	Oscar	Oakland	East Bay Economic Development Alliance	Dec-15		N/A
6	Mr.	Hastings	Herb	Dublin	Paratransit Advisory and Planning Committee	Jul-14		N/A
7	Mr.	Кпоор	Cary	Newark	Alameda County Mayors' Conference, D-2	May-18		May-20
8	Mr.	Naté	Glenn	Union City	Alameda County Supervisor Richard Valle, D-2	Jan-15	Mar-17	Mar-19
9	Ms.	Piras	Pat	San Lorenzo	Sierra Club	Jan-15		N/A
10	Mr.	Rubin	Tomas	Oakland	Alameda County Taxpayers Association	Jan-19		N/A
11	Ms.	Saunders	Harriette	Alameda	Alameda County Mayors' Conference, D-3	Jul-09	Jul-16	Jul-18
12	Mr.	Tilchen	Carl	Dublin	Alameda County Supervisor Scott Haggerty, D-1	Oct-18		N/A
13	Mr.	Zukas	Hale	Berkeley	Alameda County Supervisor Keith Carson, D-5	Jun-09	Jun-16	Jun-18

# Alameda County Transportation Commission Independent Watchdog Committee

Roster - Fiscal Year 2018-2019

14	Vacancy		Alameda County Mayors' Conference, D-4		
15	Vacancy		Alameda County Mayors' Conference, D-5		
16	Vacancy		Alameda County Supervisor Wilma Chan, D-3		
17	Vacancy		League of Women Voters		