



# Memorandum

1.1

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**DATE:** March 7, 2022

**TO:** Independent Watchdog Committee

**FROM:** John Nguyen, Principal 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 2020-21 (FY2020-21) 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 Audited Financial Statements and Compliance Reports to Alameda CTC that summarize the prior fiscal year's financial and project expenditure activity and fund balances. This year's compliance reporting period is for FY2020-21.

Recipients' reports for this reporting period are posted on the Alameda CTC website and are available for review by the Independent Watchdog Committee (IWC) to verify 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 orient IWC members through the details of the Audited 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 FY2020-21 reporting period were due to Alameda CTC by the end of December 2021. Alameda CTC conducted a preliminary review of the reports submitted, 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 at the following link: <https://www.alamedactc.org/funding/reporting-and-grant-forms/>.

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's review comments are due to the Alameda CTC by March 21, 2022. IWC members' comments should be directed to John Nguyen ([jnguyen@alamedactc.org](mailto:jnguyen@alamedactc.org)). An IWC comment form is also available for use (Attachment B, available for download at [https://www.alamedactc.org/wp-content/uploads/2019/02/IWC\\_MB-MBB\\_ComplianceReviewForm.xlsx](https://www.alamedactc.org/wp-content/uploads/2019/02/IWC_MB-MBB_ComplianceReviewForm.xlsx)). The review process and schedule is as follows:

<b>Program Compliance Review Schedule</b>	
By December 31, 2021	Recipients' Audited Financial Statements and Compliance Reports Due
January 2022	<ul style="list-style-type: none"> <li>Audited Financial Statements and Compliance Reports posted onto Alameda CTC's website</li> <li>Alameda CTC reviews and requests revisions to the recipient reports (<i>as necessary</i>).</li> </ul>
February 2022	Recipients submit revised reports; revised reports posted onto Alameda CTC's website.
March 7, 2022 (IWC Meeting)	Program Compliance Review Orientation Workshop <ul style="list-style-type: none"> <li>Staff will walk through review examples from the City of San Leandro and AC Transit.</li> </ul>
<b>March 21, 2022</b>	<b>IWC comments due to Alameda CTC</b>
April 2022	IWC comments forwarded to recipients for response
July 2022	IWC receives response to comments and summary report

**Fiscal Impact:** There is no fiscal impact. This is an information item only.

**Attachments:**

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



## Measure B and Measure BB Program Compliance Review Guide For Fiscal Year 2020-21

### 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.

### 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 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.

#### **1.7 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.

#### **1.8. 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 and DLD Recipient's Confirmation that DLD funds were not used to supplement or replace existing local revenues used for transportation purposes.

- 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).

### 1.9 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.

### 2.0 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.

### 2.1 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 demonstrate 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-and-grant-forms/>.

## **2.2 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.

## **2.3 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: <https://www.alamedactc.org/funding/reporting-and-grant-forms/>.

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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Measure B Program Compliance Report  
Compliance Review Form

Agency	Reviewer's Comments
<b>Transit Agencies and Authorities</b>	
<b>1 AC Transit</b>	
Audited Financial Statement	
Mass Transit	
Paratransit	
<b>2 BART</b>	
Audited Financial Statement	
Paratransit	
<b>3 LAVTA</b>	
Audited Financial Statement	
Mass Transit	
Paratransit	
<b>4 WETA (Alameda Ferries)</b>	
Audited Financial Statement	
Mass Transit	
<b>5 Altamont Commuter Express (ACE)</b>	
Audited Financial Statement	
Mass Transit	
<b>Alameda County Agencies</b>	
<b>6 Alameda County (ACPWA)</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
<b>City Agencies</b>	
<b>7 City of Alameda</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
Paratransit	
<b>8 City of Albany</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
Paratransit	
<b>9 City of Berkeley</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
Paratransit	
<b>10 City of Dublin</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
<b>11 City of Emeryville</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
Paratransit	
<b>12 City of Fremont</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
Paratransit	
<b>13 City of Hayward</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
Paratransit	
<b>14 City of Livermore</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
<b>15 City of Newark</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
Paratransit	
<b>16 City of Oakland</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
Paratransit	
<b>17 City of Piedmont</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
<b>18 City of Pleasanton</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
Paratransit	
<b>19 City of San Leandro</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
Paratransit	
<b>20 City of Union City / Union City Transit</b>	
Audited Financial Statement	
Bicycle/Pedestrian	
Local Streets & Roads	
Mass Transit	
Paratransit	

**Measure BB Program Compliance Report  
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	
	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	
13	<b>City of Hayward</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
14	<b>City of Livermore</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
15	<b>City of Newark</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
16	<b>City of Oakland</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
17	<b>City of Piedmont</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
18	<b>City of Pleasanton</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
19	<b>City of San Leandro</b>	
	Audited Financial Statement	
	Bicycle/Pedestrian	
	Local Streets & Roads	
	Paratransit	
20	<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, January 10, 2022, 5:30 p.m.

4.1

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## 1. Call to Order

Independent Watchdog Committee (IWC) Chair Pat Piras called the meeting to order.

## 2. Roll Call

A roll call was conducted and all members were present with the exception of Oscar Dominguez, Glenn Naté, and Carl Tilchen.

Hale Zukas was present at the meeting; however, he experienced audio problems for the duration of the meeting.

Patricia Reavey noted that Lenore McDonald, League of Women Voters appointee, is in attendance as a member of the public. Ms. McDonald's appointment will go before the Commission for approval at their next meeting.

## 3. Public Comment

At the invitation of the Chair, Lenore McDonald provided a brief introduction and noted that she has been working closely with the City of Oakland on their livable communities' initiatives and with the League of Women Voters.

## 4. Meeting Minutes

### 4.1. Approve November 8, 2021 IWC Meeting Minutes

Pat Piras suggested the following correction:

- Item 8.1, second sentence, change "...published last July..." to "...published in July..."
- Item 8.1, third sentence, include "...she and Vice Chair McCalley attended..."
- Item 12, "the meeting was adjourned in memory of Supervisor Wilma Chan."

*Murphy McCalley made a motion to approve the minutes with the above corrections. Tom Rubin seconded the motion. The motion passed with the following vote:*

Yes: Brown, Buckley, Hastings, Exner, Hernandez, McCalley, Piras, Rubin  
No: None  
Abstain: None  
Absent: Dominguez, Naté, Tilchen, Zukas

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

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

John Nguyen provided an update on Alameda CTC's Direct Local Distribution (DLD) programs, including reviewing the current Direct Local Distribution (DLD) fund balances and program compliance monitoring process. Mr. Nguyen provided an overview of the Measure B and Measure BB discretionary program and its oversight process and stated the reports should all be ready for IWC review by the official kickoff for IWC review at the March 2022 meeting. Mr. Nguyen noted for both the DLD and discretionary programs, the use of Measure B/BB funds are governed by funding agreements with each of the fund recipients. Mr. Nguyen noted staff monitors the expenditures to ensure that projects are delivered in accordance with the Transportation Expenditure Plans and the Commission adopted policies.

Pat Piras noted a couple of corrections to dates in the staff report that accompanied Mr. Nguyen's presentation, including the date of "February/March 2021" in the last paragraph on the second page, which should be "February/March 2022" and, on the third page, in the last paragraph before the fiscal impact statement the date of "July 2022" should be "July 2021".

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

### 6.1. Fiscal Year 2020-21 Measure B/BB Compliance Review Process Update Note: Audit Reports Available on Alameda CTC Website:

<https://www.alamedactc.org/funding/reporting-and-grant-forms/>

John Nguyen provided an update on the fiscal year 2020-21 Direct Local Distribution compliance reporting. Mr. Nguyen noted that Alameda CTC received the financial and compliance reports from all DLD recipients for the fiscal year 2020-21 reporting period, except three jurisdictions (Alameda, Livermore and Union City) with which he is still working. Mr. Nguyen noted the IWC will begin their official review in March.

## 7. Establishment of IWC Annual Report Ad Hoc Subcommittee

### 7.1. Establish an IWC Annual Report Subcommittee and schedule the first Ad Hoc Subcommittee meeting

Pat Piras stated that the committee wants to establish and convene the IWC Annual Report Subcommittee earlier this year to discuss Alameda CTC's Performance Measures for the DLD recipients due to the issues the committee addressed in the annual report last year. Ms. Piras appointed the following members to the subcommittee:

Curtis Buckley  
Ed Hernandez  
Murphy McCalley

Pat Piras  
Hale Zukas  
Lenore McDonald (contingent upon  
the approval of her appointment by  
the Commission)

Ms. Piras requested staff to reach out to the subcommittee members to determine a date in late February for the first subcommittee meeting.

## **8. Discussion of Performance Measures**

Pat Piras continued the discussion from the January 2022 meeting regarding Measure B and Measure BB DLD Performance Measures. She reiterated that issues and concerns were identified during the committee's development of the 19<sup>th</sup> Annual Report to the Public published in July 2021. Currently, the contractual agreements with the jurisdictions are 10-year agreements from the Commission starting in 2016. Any substantive changes to the performance measures adopted and approved by the Commission may take several years to implement.

## **9. IWC Bylaws**

### **9.1. Review IWC Bylaws**

Patricia Reavey commented that at the November 2021 IWC Meeting, the Chair requested staff send the IWC Bylaws to the committee to review and provide comments. Ms. Reavey noted that the committee's changes are incorporated in the redlined version of the bylaws in the packet. Ms. Piras reviewed the edits with the committee in detail, and additional revisions were also requested. Alameda CTC General Counsel Neal Parish provided input to clarify the proposed changes.

Ms. Reavey stated that the IWC's recommended changes to the bylaws would go before the recommending Committee for approval on March 14, 2022, and then to the Commission later in the month.

*Tom Rubin made a motion to adopt the redline version of the IWC Bylaws along with the additional edits suggested during this meeting, subject to legal review. Murphy McCalley seconded the motion. The motion passed with the following vote:*

Yes: Brown, Buckley, Hastings, Hernandez, McCalley, Piras, Rubin  
No: Exner  
Abstain: None  
Absent: Dominguez, Naté, Tilchen, Zukas

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

### **10.1. Chair's Report**

Chair Pat Piras stated that she did not have new items to report.

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

Patricia Reavey informed the committee that the Issues Identification Process and Form is a standing item on the IWC agenda which keeps members informed of the process required to submit issues/concerns that they want to have come before the committee.



### **10.2.1. Performance Measurement – IWC to Consider Motion to Form a Subcommittee**

*Tom Rubin made a motion for the IWC to consider forming a subcommittee to study surface transportation performance measures, standards, and reporting systems for IWC to potentially recommend and present to the Commission. Al Exner seconded the motion. The motion failed with the following vote:*

Yes: Exner, Rubin

No: Buckley, Hastings, Hernandez, McCalley, Piras

Abstain: None

Absent: Brown, Dominguez, Naté, Tilchen, Zukas

Tom Rubin noted that he has ideas that he would like to present on defining performance measures. He indicated that he would like to be a part of the annual report subcommittee to discuss performance measures.

### **10.3. Member Reports**

There were no member reports

## **11. Staff Reports**

### **11.1. Staff Reports**

Patricia Reavey shared that staff distributed the Limitations Calculations Report to the committee as requested by the Chair at the January 2022 meeting.

### **11.2. IWC Calendar**

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

Al Exner asked why we only meet quarterly.

Pat Piras responded that is what is required in the bylaws and that maybe we can discuss this at a future meeting.

### **11.3. IWC Roster**

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

## **12. Adjournment**

The meeting was adjourned and the next meeting is scheduled for March 14, 2022.





**Alameda CTC Measure BB Capital Projects  
For Fiscal Year 2021-2022**

# IWC Member: Measure BB Capital Projects Monitoring

*TEP No.13 - Telegraph Ave/East 14th/International Blvd Project; Construction*  
*TEP No.14 - Alameda to Fruitvale BART Rapid Bus; No activity*  
*TEP No.15 - Grand/MacArthur BRT; No Activity*  
*TEP No.16 - College/Broadway BRT; No Activity*  
*TEP No.17 - Irvington BART Station; Design*  
*TEP No.18 - Bay Fair Connector/BART METRO; No Activity*  
*TEP No.20 - Valley Link Rail (title Change), Phase 1; Various Phases*  
*TEP No.22 - Union City Intermodal Station; No Activity*  
*TEP No.24 - Oakland Broadway Corridor Transit; Improvements; Construction*  
*TEP No.29 - I-80 Gilman Street Interchange; Environmental*  
*TEP No.30 - I-80 Ashby Interchange Widening; Construction*  
*TEP No.31 - SR-84/I-680 Interchange and SR-84 Pass to Jack London); Closeout*  
*TEP No.32 - SR-84 Expressway Widening (Pigeon No activity*  
*TEP No.33 - I-580/I-680 Interchange Improvements; Alcosta; Environmental and Design*  
*TEP No.35 - I-680 HOT/HOV Lane from SR-237 to Street to Hegenberger; No activity*  
*TEP No.36 - I-880 NB HOV/HOT Extension from A Transportation and Circulation Improvements from A*  
*TEP No.37 - I-880 Broadway/Jackson Mtn Southwest Interchange Improvements; Design*  
*TEP No.38 - I-880 Whipple Road/Industrial Parkway Improvements; Environmental*  
*TEP No.39 - I-880 Industrial Parkway Interchange Improvements; Environmental*

Member's Names	Appointed By	TEP No.13	TEP No.14	TEP No.15	TEP No.16	TEP No.17	TEP No.18	TEP No.20	TEP No.22	TEP No.24	TEP No.29	TEP No.30	TEP No.31	TEP No.32	TEP No.33	TEP No.35	TEP No.36	TEP No.37	TEP No.38	TEP No.39	
Brown, Keith	Alameda Labor Council AFL-CIO		X	X																	
Buckley, Curtis	Bike East Bay												X								
Dominguez, Oscar	East Bay Economic Development Alliance										X		X	X		X					
Exner, Alfred	Alameda County Mayors' Conference, D-4																				
Hastings, Herb	Paratransit Advisory and Planning Committee							X													
Hernandez, Ed	Alameda County Mayors' Conference, D-3						X	X													
McCalley, Murphy	Alameda County Supervisor Nate Miley, D-4		X	X			X	X									X		X	X	
McDonald, Lenore	League of Women Voters																				
Nate, Glenn	Alameda County Supervisor Richard Valle, D-2																				
Piras, Pat	Sierra Club	X	X		X	X	X	X	X	X			X	X	X	X	X	X	X	X	X
Rubin, Thomas	Alameda County Taxpayers Association		X	X				X		X					X						
Tichen, Carl	Alameda County Supervisor David Haubert, D-1															X					
Zukas, Hale	Supervisor Keith Carson, D-5	X		X	X	X	X	X	X			X			X						
vacancy	Alameda County Mayors's Conference, D-1																				
Vacancy	Alameda County Mayors' Conference, D-2																				
Vacancy	Alameda County Mayors' Conference, D-5																				
vacancy	Alameda County Supervisor Wilma Chan, D-3																				

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

\_\_\_\_\_  
Signature

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# Independent Watchdog Committee

## Issues Identification Process

### 7.3

#### 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 on which the IWC should focus 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 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.

*(continued on next page)*

### **Review Process** *(continued)*

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 chair-persons 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 Identification Form

7.3A

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).

<b>Date</b>	
<b>Name</b>	
<b>Email Address</b>	

<b>Governmental Agency of Concern</b> Include name of agency and all individual contacts from list of project/program sponsor contacts.	
<b>Agency/Contact Phone</b>	
<b>Agency/Contact E-mail</b>	
<b>Agency Address</b> Include City and Zip Code.	
<b>Indicate Applicable Measure</b>	Measure B      Measure BB
<b>Indicate the type of Measure B and/or Measure BB expenditure to which this concern relates</b> Please check one.	Capital Project Program Program Grant Administration

Complete the following with the name of the project or program, dates, times, and places where the issues of which you have concerns took place.

<b>Project/Program Name</b>	
<b>Date</b>	
<b>Time</b>	
<b>Location</b>	

Please explain in detail the nature of your concern and how it came to your attention.

**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.



## Independent Watchdog Committee Bylaws

### Article 1: Definitions

**1.1 2000 Transportation Expenditure Plan.** The plan for expending transportation sales tax (Measure B) funds, presented to the voters in 2000, and implemented in 2002.

**1.2 2014 Transportation Expenditure Plan.** The plan for expending transportation sales tax (Measure BB) funds, presented to the voters in 2014, and implemented in 2015.

**1.3 Agency.** A business or government organization established to provide a particular service.

**1.4 Alameda County Transportation Commission (Alameda CTC).** 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 Alameda CTC Commission ("Commission") is comprised of the following representatives:

**1.4.1** All five Alameda County Supervisors.

**1.4.2** Two City of Oakland representatives.

**1.4.3** One representative from each of the other 13 incorporated cities in Alameda County.

**1.4.4** A representative from Alameda-Contra Costa Transit District ("AC Transit").

**1.4.5** A representative from San Francisco Bay Area Rapid Transit District ("BART").

**1.5 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 responsibility for administration of the sales tax.

**1.6 Appointing Party.** A person or group designated to appoint committee members.

**1.7 At-Large Member.** One of the 10 Independent Watchdog Committee (IWC) members representing supervisorial districts as described in Section 3.1.1 below.

**1.8 Bicycle and Pedestrian Advisory Committee (BPAC).** The Alameda CTC Committee that involves interested community members in the Alameda CTC's policy, planning, and implementation efforts related to bicycling and walking.

**1.9 Brown Act.** California's open meeting law, the Ralph M. Brown Act, California Government Code, Sections 54950 *et seq.*

**1.10 Expenditures.** Costs incurred and paid for with funds generated from the Measure B and Measure BB sales taxes.

**1.11 Fiscal Year.** July 1 through June 30.

**1.12 Independent Watchdog Committee (IWC or "Committee").** The Alameda CTC Committee of individuals created by the Commission as required by Measure BB. This Committee was originally created by the ACTIA Board and called the Citizens Watchdog Committee as required by Measure B, and was continued by the Commission subsequent to the passage of Measure BB as the Independent Watchdog Committee. The Committee has the same composition as the Citizens Watchdog Committee required by Measure B. The Committee reports directly to the public and has the responsibility of reviewing all Measure B expenditures and reviewing and overseeing all Measure BB expenditures and performance measures of the agency, as appropriate. IWC members are Alameda County residents who are not elected officials at any level of government, nor individuals in a position to benefit personally in any way from the sales tax.

**1.13 Local Newspapers.** Periodical publications typically published weekly or daily that serve a city, cities or unincorporated communities within Alameda County, whereby the contents are reasonably accessible to the public. On-line publications of these periodicals are included in this definition.

**1.14 Measure B.** The measure approved by the voters authorizing the half-cent sales tax for transportation services now collected and administered by the Alameda CTC and governed by the 2000 Transportation Expenditure Plan. Collections for the sales tax authorized by Measure B began on April 1, 2002 and extends through March 31, 2022.

**1.15 Measure BB.** The measure approved by the voters authorizing the sales tax for transportation services collected and administered by the Alameda CTC and governed by the 2014 Transportation Expenditure Plan. Measure BB augments the half-cent Measure B sales tax by a half cent, beginning April 1, 2015 through March 31, 2022. The full one-cent sales tax authorized by Measure BB will begin April 1, 2022 and will extend through March 31, 2045.

**1.16 Measure B Program.** Transportation or transportation-related program specified in the 2000 Transportation Expenditure Plan for funding transportation programs and projects on a percentage-of-revenues or grant allocation basis.

**1.17 Measure BB Program.** Transportation or transportation-related program specified in the 2014 Transportation Expenditure Plan for funding transportation programs and projects on a percentage-of-revenues or grant allocation basis.

**1.18 Measure B Project.** Transportation and transportation-related capital projects specified in the 2000 Transportation Expenditure Plan for funding in the amounts allocated in the 2000 Transportation Expenditure Plan.

**1.19 Measure BB Project.** Transportation and transportation-related capital projects specified in the 2014 Transportation Expenditure Plan for funding in the amounts allocated in the 2014 Transportation Expenditure Plan.

**1.20 Monitor.** To observe, track, or keep a record of Measure projects, programs, and expenditures.

**1.21 Organizational Meeting.** An organizational meeting of the IWC will be held in July to elect officers and adopt the annual calendar/work plan and review the Alameda CTC budget related to IWC.

**1.22 Organizational Member.** One of the seven IWC members representing organizations as described in Section 3.1.2 below.

**1.23 Oversee.** To watch over Measure BB expenditures and performance measures.

**1.24 Paratransit Advisory and Planning Committee (PAPCO).** The Alameda CTC Committee that meets to address funding, planning, and coordination issues regarding paratransit services in Alameda County. Members must be Alameda County residents and eligible users of any transportation service available to seniors and people with disabilities in Alameda County. PAPCO is supported by a Paratransit Technical Advisory Committee comprised of Measure B and Measure BB-funded paratransit providers in Alameda County.

**1.25 Performance Measures.** Quantifiable methods, adopted by the Commission, used to assess how well the Alameda CTC is achieving its adopted objectives for Measure BB projects and programs.

**1.26 Planning Area.** Geographic groupings of cities and Alameda County for planning and funding purposes. North County: Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont; Central County: Hayward, San Leandro, unincorporated county (near Hayward); South County: Fremont, Newark, Union City; East County: Dublin, Livermore, Pleasanton, the unincorporated area of Sunol.

**1.27 Subcommittee.** A subset of the IWC, less than a quorum, usually organized for a certain purpose.

## **Article 2: Purpose and Responsibilities**

**2.1 Committee Purpose.** The Committee is appointed pursuant to Measure B and Measure BB: 1) to review all expenditures of the Measure B transportation sales tax; 2) to review and oversee all expenditures and performance measures, as appropriate, of the Measure BB transportation sales tax; 3) to monitor Measure B and Measure BB funded projects and programs; and 4) to report directly to the public.

**2.2 Committee Roles and Responsibilities from Expenditure Plan.** As defined by the Measure B and Measure BB Transportation Expenditure Plans, the roles and responsibilities of the Committee include:

**2.2.1** 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 will be 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.

**2.2.2** 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.

**2.2.3** 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.

**2.2.4** Provide a balance of viewpoints, geography, age, gender, ethnicity and income status, to represent the different perspectives of the residents of the county.

**2.3 Additional Responsibilities.** Additional IWC ~~member~~ responsibilities are to:

**2.3.1** Communicate from time to time to the Alameda CTC ~~by resolution~~, suggestions and concerns pertinent to the administration and expenditure of Measure B and Measure BB funds.

**2.3.2** Communicate as necessary to recommend that an appointing party appoint a new member when there is a vacancy or upcoming end of term.

[2.3.3 Receive notice from Alameda CTC staff about scheduled discussion by Alameda CTC Advisory Committees or Standing committees of program or project performance measures.](#)

## Article 3: Members

**3.1 Number of Members.** The IWC will consist of 17 members.

**3.1.1** Ten members shall be at-large, two each representing the five supervisorial districts in Alameda County, one of the two nominated by a member of the Board of Supervisors and one of the two selected by the Alameda County Mayors' Conference.

**3.1.2** Seven of the members shall be nominated by the seven organizations specified in the 2014 Transportation Expenditure Plan: East Bay Economic Development Alliance; Alameda County Labor Council; Alameda County Taxpayers' Association; Alameda County Paratransit Advisory and Planning Committee; Bike East Bay, formerly known as East Bay Bicycle Coalition; League of Women Voters; and Sierra Club.

**3.2 Appointment.** The Commission will make appointments in the following manner:

**3.2.1** Each member of the Alameda County Board of Supervisors shall select one At-Large Member to represent ~~their~~<sup>his or her</sup> supervisorial district.

**3.2.2** The Alameda County Mayors' Conference shall select one At-Large Member to represent each of the five supervisorial districts.

**3.2.3** Each organization listed in Section 3.1.2 above shall, subject to approval by the Commission, select one organizational member.

**3.3 Membership Qualification.** Each IWC member shall be an Alameda County resident. An IWC member shall not be an elected official at any level of government; or be a public employee of any agency that oversees or benefits from the proceeds of Measure B and Measure BB transportation sales taxes; or have any economic interest in any project or program.

**3.4 Membership Term.** Appointments for at-large members shall be for two-year terms. There is no maximum number of terms a member may serve. Members may serve until the Commission appoints their successor.

**3.5 Attendance.** Members will regularly attend meetings. Accordingly, more than three consecutive absences is cause for removal from the Committee.

**3.6 Termination.** A member's term shall terminate on the occurrence of any of the following:

**3.6.1** The member voluntarily resigns by written notice to the chair or Alameda CTC staff.

**3.6.2** The member fails to continue to meet the qualifications for membership, including attendance requirements.

**3.6.3** The member becomes incapable of continuing to serve.

**3.6.4** The appointing party or the Commission removes the member from the Committee.

**3.7 Vacancies.** An appointing party shall have the right to appoint (subject to approval by the Commission) a person to fill the vacant member position. Alameda CTC shall be responsible for notifying an appointing party of such vacancy and for urging expeditious appointment of a new member, as appropriate.

#### **Article 4: Officers**

**4.1 Officers.** The IWC shall annually elect a chair and vice chair. Each officer must be a duly appointed member of the IWC.



**4.1.1 Duties.** The chair shall preside at all meetings and will represent the IWC before the Commission to report on IWC activities. The chair shall, at their option, serve as a voting ex-officio member of all subcommittees except a nominating subcommittee (when the IWC discusses the chair position). The vice chair shall assume all duties of the chair in the absence of, or on the request of the chair.

**4.2 Office Elections.** Officers shall be elected by the members annually at the Organizational Meeting or as necessary to fill a vacancy. An individual receiving a majority of votes by a quorum shall be deemed to have been elected and will assume office at that meeting following the election. In the event of multiple nominations, the vote shall be by ballot. Officers shall be eligible for re-election indefinitely.

## Article 5: Meetings

**5.1 Open and Public Meetings.** All IWC meetings shall be open and public and governed by the Brown Act. Public comment shall be allowed at all IWC meetings. The time allotted for comments by a member of the public in the general public comment period or on any agenda item shall be up to 3 minutes per speaker at the discretion of the chair. Written comments may be submitted prior to the meeting. The number of IWC meetings, including regular meetings, sub-committee meetings, special meetings and public hearings, will be limited to the number of meetings approved in Alameda CTC's annual overall work program and budget, as approved by the Commission.

**5.2 Regular Meetings.** The IWC shall have a regular meeting at least once per quarter. Prior to each Organizational Meeting, the outgoing chair shall cause all members to be canvassed as to their available meeting times and shall recommend the day and time that best accommodates the schedules of all members, giving due regard to accommodating the schedule of any continuing member who has missed meetings due to a conflict in the prior year. Annually, at the Organizational Meeting, IWC shall establish the schedule of regular meetings for the ensuing year. Meeting dates and times may be changed and additional regular meetings scheduled during the year by action of the IWC.

**5.3 Quorum.** For purposes of decision making, a quorum shall consist of a majority~~at least half (50 percent) plus one~~ of the total number of members appointed at the time a decision is made. Members will not take actions at meetings with less than a majority~~50 percent plus one of~~ members present. Items may be discussed and information may be distributed on any item even if a quorum is not present; however, no action can be taken, until the Committee achieves a quorum.

**5.4 Special Meetings.** Special meetings may be called by the chair or by a majority of the members requesting the same in writing given to the chair, with copies to the vice chair and the Executive Director, specifying the matters to be considered at the special meeting. The chair or vice chair shall cause notice of a special meeting stating the matters to be considered to be given to all IWC members and posted and published in accordance with the Brown Act.

**5.5 Public Hearing.** At least annually, prior to publication of IWC's annual report, IWC shall conduct a public hearing on a draft of the IWC annual report. Each public hearing shall be conducted as part of a regular meeting.

**5.6 Agenda.** All meetings shall have a published agenda. Items for a regular meeting agenda may be submitted by any member to the chair and Alameda CTC staff. The Commission and/or Alameda CTC staff may also submit items for the agenda. Agenda planning meetings are held approximately three weeks prior to each IWC meeting. Alameda CTC staff will notify all IWC members when this meeting is established and remind members to submit any agenda item requests to the chair at least one day prior to the agenda planning meeting date. At the agenda planning meeting, the chair and Alameda CTC staff will discuss any agenda items submitted to the chair. Every agenda shall include a provision for members of the public to address the Committee. The chair and the vice chair shall review the agenda in advance of distribution. Copies of the agenda, with supporting material and the past meeting minutes, shall be mailed to members and any other interested parties who request it. The agenda shall be posted on the Alameda CTC website and in the Alameda CTC office and provided at the meeting, all in accordance with the Brown Act.

**5.7 Roberts Rules of Order.** The rules contained in the latest edition of "Roberts Rules of Order Newly Revised" shall govern the proceedings of the IWC and any subcommittees thereof to the extent that the person presiding over the proceeding determines that such formality is required to maintain order and make process, and to the extent that these actions are consistent with these bylaws.

**5.8 Place of Meetings.** IWC meetings shall be held at the Alameda CTC offices, unless otherwise designated by the Committee or the Commission. Meeting locations shall be within Alameda County, accessible in compliance with the Americans with Disabilities Act of 1990 (41 U.S.C., Section 12132) or regulations promulgated thereunder, shall be accessible by public transportation, and shall not be in any facility that prohibits the admittance of any person, or persons, on the base of race, religious creed, color, national origin, ancestry, or sex, or where members of the public may not be present without making a payment or purchase.

**5.9 Meeting Conduct.** IWC members shall conduct themselves during meetings in a manner that encourages respectful behavior and provides a welcoming and safe environment for each member and staff member characterized by an atmosphere of mutual trust and respect. Members shall work with each other and staff to respectfully, fairly, and courteously deal with conflicts if they arise.

## **Article 6: Subcommittees**

**6.1 Establishment.** The IWC may establish subcommittees when advisable and as necessary subject to the approved Alameda CTC overall work program and budget as approved by the Commission to conduct an investigation or to draft a report or other document within the authority of the IWC or for other purposes within the IWC's authority.

**6.2 Membership.** IWC members will be appointed to subcommittees by the IWC or by the chair. No subcommittee shall have fewer than three members, nor will a subcommittee have sufficient members to constitute a quorum of the IWC.

### **Article 7: Records and Notices**

**7.1 Minutes.** Minutes of all meetings, including actions and the time and place of holding each meeting, shall be kept on file at the Alameda CTC office. Alameda CTC staff will prepare and include full minutes in meeting packets prior to each regular IWC meeting.

**7.2 Attendance Roster.** A member roster and a record of member attendance shall be kept on file at the Alameda CTC office.

**7.3 Brown Act.** All meetings of the IWC will comply with the requirements of the Brown Act. Notice of meetings and agendas will be given to all members and any member of the public requesting such notice in writing and shall be posted at the Alameda CTC office at least 72 hours prior to each meeting. Members of the public may address the IWC on any matter not on the agenda and on each matter listed on the agenda, in compliance with the Brown Act and time limits, up to three minutes per speaker, set at the discretion of the chair.

**7.4 Meeting Notices.** Meeting notices shall be in writing and shall be issued via U.S. Postal Service, Alameda CTC website, personal delivery, and/or email. Any other notice required or permitted to be given under these bylaws may be given by any of these means.

### **Article 8: General Matters**

**8.1 Per Diems.** Committee members shall be entitled to a per diem stipend for meetings attended in amounts and in accordance with policies established by the Alameda CTC.

**8.2 Conflicts of Interest.** A conflict of interest exists when any Committee member has, or represents, a financial interest in the matter before the Committee. Such direct interest must be significant or personal. In the event of a conflict of interest, the Committee member shall declare the conflict, recuse ~~themselves~~~~himself~~~~or herself~~ from the discussion, and shall not vote on that item. Failure to comply with these provisions shall be grounds for removal from the Committee.

**8.3 Amendments to Bylaws.** These bylaws will be reviewed annually, and may be amended, repealed, or altered, in whole or in part, by a vote taken at a duly constituted Committee meeting at which a quorum is present, as a recommendation to the Commission for approval.

**8.4 Public Statements.** No member of the Committee may make public statements on behalf of the Committee without authorization by affirmative vote of the Committee, except the chair, or in ~~their~~~~his~~~~or her~~ place the vice chair, when making a regular report of the Committee activities and concerns to the Alameda CTC. This does not include presentations about the Committee to city councils, which all Committee members have a responsibility to make.

**8.5 Conflict with Governing Documents.** In the event of any conflict between these bylaws and the July 2000 Transportation Expenditure Plan, the January 2014 Transportation Expenditure Plan, California state law, or any action lawfully taken by ACTIA or the Alameda CTC, the Transportation Expenditure Plans, state law or the lawful action of ACTIA or the Alameda CTC shall prevail.

**8.6 Staffing.** Alameda CTC will provide staffing to the Committee including preparation and distribution of meeting agendas, packets, and minutes; tracking of attendance; and stipend administration.

**8.7 Economic Interest.** Each Committee member shall, no later than March 15 of every year or such date as requested by Alameda CTC, prepare and file with Alameda CTC a statement of economic interest in the form required by law, currently Form 700 which can be found on the California Fair Political Practices Commission website, <http://www.fppc.ca.gov/index.php?id=500>.

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**IWC FY2021-22 Calendar/Work Plan**

*The IWC meets on the second Monday of the month from 5:30 to 7:30 p.m.  
via Zoom or at Alameda CTC Offices*

Categories	Monday, July 12, 2021	Monday, November 8, 2021	Monday, January 10, 2022	Monday, March 14, 2022	Monday, July 11, 2022
<b>IWC Annual Report</b>	<ul style="list-style-type: none"> <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>	<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 meets April through June)</li> <li>IWC photo for Annual Report</li> </ul>	<ul style="list-style-type: none"> <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>
<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> <li>Discussion of Performance Measures</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 required to keep IWC informed in July)</li> <li>Issues Identification Process</li> </ul>	<ul style="list-style-type: none"> <li>Issues Identification Process</li> <li>IWC Projects and Programs Watchlist Next Steps</li> </ul>
<b>Measure B and Measure BB Compliance and Audited Financial Reports</b>	<ul style="list-style-type: none"> <li>Measure B and Measure BB Program Compliance Report Summary</li> <li>Independent Auditor Work Plan</li> </ul>	<ul style="list-style-type: none"> <li>Presentation of FY2020-21 Annual Financial Report by Independent Auditor</li> <li>Discussion of Performance Metrics</li> </ul>	<ul style="list-style-type: none"> <li>Measure B and Measure BB FY2020-21 Compliance and Audit Reports available on Alameda CTC Website (raw data, not yet reviewed by staff)</li> <li>Review of IWC Bylaws</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 FY2020-21 Compliance and Audit Reports Forwarded to IWC for Review</li> </ul>	<ul style="list-style-type: none"> <li>Measure B and Measure BB Program Compliance Report Summary</li> <li>Independent Auditor Work Plan</li> </ul>
<b>Organizational / Standing Reports</b>	<ul style="list-style-type: none"> <li>Election of IWC Officers for FY2021-22</li> <li>Approve IWC FY2021-22 Annual Calendar/Work Plan</li> <li>IWC Member Reports</li> <li>Staff Responses to IWC Members Requests for Information</li> <li>IWC FY2021-22 Budget</li> </ul>	<ul style="list-style-type: none"> <li>IWC Member Reports</li> <li>Staff Responses to IWC Members Requests for Information</li> <li>Review of IWC Bylaws</li> </ul>	<ul style="list-style-type: none"> <li>IWC Member Reports</li> <li>Staff Responses to IWC Members Requests for Information</li> </ul>	<ul style="list-style-type: none"> <li>IWC Member Reports</li> <li>Staff Responses to IWC Members Requests for Information</li> </ul>	<ul style="list-style-type: none"> <li>Election of IWC Officers for FY2022-23</li> <li>Approve IWC FY2022-23 Annual Calendar/Work Plan</li> <li>IWC Member Reports</li> <li>Staff Responses to IWC Members Requests for Information</li> <li>IWC FY2022-23 Budget</li> </ul>

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**Alameda County Transportation Commission  
Independent Watchdog Committee  
 Member Roster - Fiscal Year 2021-2022**

	Title	Last	First	City	Appointed By	Term Began	Re-apptmt.	Term Expires
1	Ms.	Piras, Chair	Pat	San Lorenzo	Sierra Club	Jan-15		N/A
2	Mr.	McCalley, Vice Chair	Murphy	Castro Valley	Alameda County Board of Supervisors District 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.	Exner	Alfred	Pleasanton	Alameda County Mayor's Conference, D-4	Jun-21		Jun-23
7	Mr.	Hastings	Herb	Dublin	Paratransit Advisory and Planning Committee	Jul-21		Jul-23
8	Mr.	Hernandez	Ed	San Leandro	Alameda County Mayors' Conference, D-3	Feb-21		Feb-23
9	Ms.	McDonald	Lenore	Oakland	League of Women Voters	Jan-22		Jan-24
10	Mr.	Naté	Glenn	Union City	Alameda County Board of Supervisors, District 2	Jan-15	Jan-20	Jan-22
11	Mr.	Rubin	Thomas	Oakland	Alameda County Taxpayers Association	Jan-19		N/A
12	Mr.	Tilchen	Carl	Dublin	Alameda County Board of Supervisors, District 1	Oct-18		Oct-20
13	Mr.	Zukas	Hale	Berkeley	Alameda County Board of Supervisors District 5	Jun-09	Jan-20	Jan-22



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14		Vacancy			Alameda County Mayors' Conference, D-1			
15		Vacancy			Alameda County Mayors' Conference, D-2			
16		Vacancy			Alameda County Mayors' Conference, D-5			
17		Vacancy			Alameda County Board of Supervisors, District 3			