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## MEMORANDUM

March 3, 2010

**TO:** ACTIA ALF Committee

**FROM:** R. Zachary Wasserman

**RE:** Amendment of 2000 Expenditure Plan related to Merger of ACTIA and ACCMA

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The ACTIA Board has approved in concept making certain amendments to the 2000 Expenditure Plan related to the merger of ACTIA and ACCMA. The primary changes include modifying the composition of the ACTIA Board so that it matches the Board of the new Alameda County Transportation Commission ("ACTC"), and formally authorizing ACTIA to delegate its responsibilities to ACTC, including tracking the 1% and 4.5% expenditure limits specified in the 2000 Expenditure Plan.

We are now requesting that the ALF Committee recommend that the ACTIA Board approve the formal amendment of the 2000 Expenditure Plan to reflect these changes. The specific changes proposed as part of this amendment are set forth in **Attachment A** hereto.

As required by the 2000 Expenditure Plan and the Public Utilities Code sections governing ACTIA, once this amendment is formally approved by the ACTIA Board, it will be submitted to the Board of Supervisors and the City Council of each city in the County for review and comment for at least a 45 day period.

**Attachment A**  
**Text of the Proposed Amendment to ACTIA's 2000 Expenditure Plan**

The ACTIA Board proposes the following changes to the Expenditure Plan:

**1.** Amend the description of the Governing Board of ACTIA by deleting the language on page 25 of the Expenditure Plan beginning with "The make-up of this Agency's governing board is as follows:" and including the bulleted list thereafter, and replacing such deleted language with the following text:

The Board of this Agency shall include each of the members then serving on the Board of the Alameda County Transportation Commission ("ACTC"), which, as set forth in the joint powers agreement creating the ACTC, includes the following members along with their respective voting power:

- (i)** Each member of the Alameda County Board of Supervisors who shall each have one vote;
- (ii)** Two members representing the City of Oakland, with the member with the longest service on ACTC (or previously on ACCMA or ACTIA) having two votes and the other member having one vote;
- (iii)** One member representing the City of Fremont and one member representing the City of Hayward, each of whom shall have two votes;
- (iv)** Eleven members each representing one of the other 11 Cities in Alameda County, each of whom shall have one vote; and
- (v)** One representative of BART and one representative of AC Transit, each of whom shall have one vote.
- (vi)** Notwithstanding the foregoing, only members of bodies who have paid or allocated the fees set by the ACTC Board shall be entitled to be members of the ACTC Board.

**2.** Modify the paragraph in the middle of page 25 describing the "Agency" and its function to provide that (i) the Agency shall have the power to delegate its functions and responsibilities to the ACTC, and (ii) the Agency have the power to dissolve the Agency and designate ACTC as its successor when the Agency's board determines in its discretion that such dissolution is appropriate.

**3.** Modify the following paragraph on page 25 regarding cost limitations to provide that the 1% and 4.5% expenditure limits shall be tracked by comparing Measure B revenues to the costs associated with administration and implementation of the 2000 Expenditure Plan by ACTC.



**Alameda County Transportation Improvement Authority  
Board Meeting Minutes  
Thursday, June 24, 2010, 1:45 p.m., 1333 Broadway, Suite 300, Oakland**

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Attendance Key (A = Absent, P = Present)

**Members:**

<u>P</u> Mayor Mark Green, Chair	<u>P</u> Councilmember Rebecca Kaplan
<u>P</u> Supervisor Scott Haggerty, Vice-Chair	<u>P</u> Supervisor Alice Lai-Bitker
<u>P</u> Mayor Ruth Atkin, Alternate	<u>P</u> Supervisor Nate Miley
<u>P</u> Supervisor Keith Carson	<u>P</u> Mayor Anthony Santos
<u>P</u> Mayor Jennifer Hosterman	<u>P</u> Supervisor Gail Steele
<u>A</u> Mayor Beverly Johnson	
<u>P</u> Mayor Marshall Kamena	

**Staff:**

<u>P</u> Christine Monsen, Executive Director	<u>P</u> Angie Ayers, Acumen Building Enterprise
<u>P</u> Anees Azad	<u>A</u> Geoffrey Gibbs, Legal Counsel
<u>P</u> Art Dao	<u>P</u> Zack Wasserman, Legal Counsel
<u>P</u> Tess Lengyel	

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Meeting Key (Action Items = A, Information/Discussion Items = I)

Chair Mark Green called to order the regular meeting of the Alameda County Transportation Improvement Authority at 1:45 p.m.

**1. Approval of Consent Calendar - A**

- A. Approval of Minutes of May 27, 2010
- B. Approval of Revised 2009-10 Budget and New Budget for Fiscal Year 2010-11
- C. Approval of Paratransit Program Plans and Budgets
- D. Approval of Express Bus Contract End-date Extension
- E. Approval of Funding for Transit Oriented Development (TOD) – Technical Assistance Program (TAP)
- F. Approval of an Expenditure Plan Amendment to reflect the creation of the Alameda County Transportation (ACTC)
- G. Approval of Acceptance of ACTA's Authority, Functions, Roles and Responsibilities, and Assets and Liabilities
- H. Approval of Route 92/Clawiter – Whitesell Interchange and Reliever Route (ACTIA 15) – Consideration of Approval of City of Hayward's Request to Revise Project Scope and Approval of Amendment No. 1 to Project Specific Funding Agreement (A07-0063) for the PE/Environmental Phase
- I. Dumbarton Rail Corridor (ACTIA 25) – Approval of Amendment No. 4 to the Project Funding Agreement with San Mateo County Transportation Authority (A05-0007) to Extend Agreement Expiration Date for the PE/Environmental Phase
- J. I-580/BART to Livermore Studies (ACTIA 26) – Approval of Amendment No. 2 to the Project Specific Funding Agreement with BART (A08-0048) to Extend Agreement Expiration Date for the PE/Environmental Phase

*Mayor Anthony Santos moved to approve the ACTIA Consent Calendar items A through J. Supervisor Alice Lai-Bitker seconded the motion. The motion carried 6-0.*

## **2. Community Advisory Committees Report – I**

### **A. Bicycle and Pedestrian Advisory Committee – Midori Tabata, Chair – I**

Midori Tabata reported that the BPAC met on June 10, 2010. During the BPAC meeting, topics covered were: 1) Election of officers – Midori Tabata was elected to continue as Chair and Tom Van Demark was elected as Vice Chair; 2) Approval of BPAC Bylaws – the Bylaws eliminated the term limit of officers; 3) Countywide Pedestrian and Bicycle Plan – staff provided an update on the Countywide pedestrian and bicycle plan, and BPAC will receive regular updates from staff on the progress of the Plans Working Group; 4) BPAC completed the Countywide Discretionary Fund Cycle 4 Evaluation; and 5) Three volunteers, Midori Tabata, Tom Van Demark, and Ann Welsh, applied for the Countywide Transportation Plan and Expenditure Plan Development Community Advisory Working Group (CAWG).

### **B. Citizens Advisory Committee – Barry Ferrier, Chair – I**

Barry Ferrier reported that on June 17, 2010, the CAC met at ACTIA offices for the organizational meeting. Eleven of the 23 CAC members were present. At this meeting, Barry Ferrier and Cynthia Dorsey were elected to continue as Chair and Vice Chair. Also, members reviewed and approved the CAC Bylaws and calendar. Three volunteers, Frances Hilliard, Alton Jefferson, and Roop Jindal, have applied for a position on CAWG.

Barry stated that the CAC meeting covered outreach in general. He mentioned that between April and June 2010, the ACTIA website had 4,997 visits and 28,088 page views. A major goal of the CAC is to increase the e-notifier service usage.

### **C. Citizens Watchdog Committee – James Paxson, Chair – I**

The chair was unavailable and did not give a report.

### **D. Paratransit Advisory and Planning Committee – Sylvia Stadmire, Chair – I**

The chair was unavailable and did not give a report.

## **3. Consideration and Necessary Action on Administration/Legislation/Finance Committee Items (Lai-Bitker/Monsen):**

### **A. Approval of Legislative Items/Update – A**

- SB 1215 Price: Architectural and engineering services; prequalification lists. Staff recommended to support this bill, which would authorize Caltrans to establish prequalified lists of firms for small, medium, and large architectural and engineering contracts.
- SB 1318 (Committee on Transportation and Housing). Staff recommended to support this Senate Transportation and Housing Omnibus bill, which will include all the statutory changes ACTIA and CMA need for the agencies' merger.
- SB 1445 (DeSaulnier): Planning. Staff recommended to support this bill, which increases the vehicle registration fee by one dollar for land-use planning activities.

- AB 2620 (Eng) Transportation: Toll Facilities. Staff recommended a watch position on this bill since it was gutted and amended for a different purpose.
- AB 1955 (De La Torre) Public Officers: Incompatible offices. Staff recommended an oppose position on this bill, which proposes to provide greater clarity of what constitutes an incompatible office and which prohibits an officer from simultaneously serving on various government bodies.

Councilmember Kaplan inquired about the California Environmental Quality Act (CEQA) thresholds adopted by the Bay Area Air Quality Management District's Board of Directors on June 2, 2010. She wanted to know if there will be legislation to overturn the CEQA guidelines.

Tess Lengyel mentioned that staff is inviting the Air District to the July 19, 2010 Steering Committee, and members can bring their questions to the Air District at this time. One goal in meeting with the Air District is to determine the impact on transit-oriented projects as we move forward with the development of the countywide transportation plan and sales tax reauthorization. Supervisor Haggerty suggested inviting groups/areas that opposed the CEQA thresholds to attend this meeting. He stated that the meeting should be in the form of a debate rather than competing advocates.

*Councilmember Kaplan moved to support bills SB 1215, SB 1318, and SB 1445; watch bill AB 2620; oppose bill AB 1955. Supervisor Lai-Bitker seconded the motion. The motion carried 10-0.*

**B. Approval of ACTIA's Share of the Countywide Transportation Plan and Expenditure Plan Budget and Authorization to Release RFP – A**

Tess Lengyel presented the recommendation for approval of the scope outlines, budgets, and funding sources for the Countywide Transportation Plan and Expenditure Plan Development for sales tax reauthorization; and authorization to release two RFPs: one jointly with the CMA for the technical and outreach work scopes, and another by ACTIA for polling services related to the Expenditure Plan Development. Tess mentioned that three committees are working on efforts to develop the plans. The committees are the Steering Committee, the Community Advisory Working Group, and the Technical Advisory Working Group.

*Supervisor Lai-Bitker moved to approve the scope outlines, budgets, and funding sources for the Countywide Transportation Plan and Expenditure Plan Development for sales tax reauthorization, and authorization to release two RFPs. Mayor Santos seconded the motion. The motion carried 11-0.*

**C. Approval of Safe Routes to Schools Draft Program**

Tess Lengyel stated that staff recommends approval of a Safe Routes to Schools Program (SR2S) that will be jointly administered by ACTIA and the CMA. The program consists of the following four elements:

1. Funding to expand the elementary and middle schools program.
2. A new high school program.
3. A Ride sharing/carpooling program targeted toward staff, faculty, and parents.
4. A new capital and technical assistance program for developing construction-ready projects and for capital infrastructure.

Supervisor Haggerty stated that the SR2S program is more urban centric and questioned if suburban communities will be able to participate. Tess Lengyel noted that currently suburban schools participate and that they will continue to be able to do so with this program. It was questioned whether the schools will serve as the lead agency. Tess Lengyel responded that an RFP will be released to hire a team to implement the SR2S program on a countywide basis and that the schools will be partners, but not lead agencies. Supervisor Miley inquired if there will be one team with one contract for RFP selection. Staff stated that the RFP will go through Alameda CTC, which will make the decision.

*Supervisor Carson moved to approve the Safe Routes to Schools Program. Mayor Kamena seconded the motion. The motion carried 11-0.*

**4. Consideration and Necessary Action on Work Program Committee Items (Haggerty/Monsen)**

On consent

**5. Reports from Staff – I**

Anees Azad informed the Board that the actual sales tax revenue for this fiscal year will be \$94 million, which is 7 percent lower than last year's actual, but higher than the \$90 million budgeted.

Tess Lengyel announced the upcoming South County Transportation Forum on July 15, 2010 at the Ruggieri Senior Center in Union City.

**6. Reports from Members – I**

None

**7. Public Comments – I**

None

**8. Joint Board Meeting**

**A. Convene joint meeting with Alameda County Congestion Management Agency (CMA) Board**

Mayor Mark Green called to order the joint meeting of ACTIA and CMA at 3 p.m.

**B. CMA Roll Call – Confirm Quorum of CMA Board (no action by ACTIA)**

A quorum was present for both the ACTIA and CMA Boards.

**C. Approval of Creation of Alameda County Transportation Commission and Approval of Joint Powers Agreement - A**

Christine Monsen stated that staff from both ACTIA and CMA recommends the approval of the creation of the Alameda County Transportation Commission (Alameda CTC); approval of the Alameda CTC Joint Powers Agreement (JPA); authorization for the Chair of each agency to execute the JPA, and agreeing to become a member of the Alameda CTC.

*Supervisor Haggerty from ACTIA Board and Councilmember Henson from CMA Board moved to approve the Alameda CTC as an entity; approve the Alameda CTC JPA; approve the authorization for the Chair of both agencies to execute the JPA; and agree to become members of the Alameda*

*CTC. Supervisor Lai-Bitker with ACTIA and Vice-Mayor Chiang with the CMA seconded the motion. The motion carried unanimously with both agencies. The motion for ACTIA passed 11-0.*

Supervisor Haggerty mentioned that Supervisors Carson and Steele were here for the opening of ACTIA. He also said that merging both ACTIA and CMA has been a goal of Mayor Green. He congratulated Mayor Green for his perseverance in seeing the goal complete.

**D. Review and Comment on the Standing Committee Structure Proposed for the Alameda CTC - I**

Mayor Green stated that the Ad Hoc Committee on the merger and staff recommend establishment of three standing committees as follows for the Alameda CTC:

- Finance and Administration
- Planning, Policy and Legislation
- Programs and Projects

All Board members will be on at least one committee. The Board Chair and Vice Chair will be on all three committees as ex-officio members. All three committees will meet on the same day, the second Thursday of the month. Meeting times agreed on in the Joint Board meeting are: 11 a.m., 12:30 p.m., and 2 p.m.

Discussion took place on the following:

1. The need to determine if the meetings schedule will work considering the number of meetings within the industry. Mayor Green stated that the times can be tightened if the schedule does not work for the majority of the membership.
2. What is the voting structure of the Alameda CTC Board Chair and Vice Chair at the standing committees? Will he/she have an actual vote? Mayor Green stated that the Chair and Vice Chair will have one vote each, the same as each committee member.
3. Gladys Parmelee will solicit feedback from the Board Members regarding committee preferences and interests, meeting sequence, meeting duration, and alternates.
4. The Board Chair will appoint committee members once input is received from those interested in serving on the committee. The Board Chair will also appoint the Chair and Vice Chair of each committee.
5. The Mayor's Conference will no longer appoint members and alternates to the Board. On designating alternates, a Board of Supervisor shall appoint his/her alternate, and if shall be a mayor or city council member of a City primarily or fully contained within the Supervisor's District, who is not otherwise a voting member of Alameda CTC. For a member representing a City, his/her alternate must be a member of that city council.

The new Administrative Code will include the committee structure for consideration by the Alameda CTC at its first Board meeting in July.

**E. Time to Start Alameda CTC Board Meetings**

It is proposed that the Alameda CTC hold its Board meetings every fourth Thursday of the month. The meeting schedule agreed on in the joint session is 2:30 p.m.

**F. Recess Joint Board Meeting**

The joint session was recessed at 3:15 p.m.

**G. Adjourn ACTIA Meeting/ Next Meeting: Alameda CTC, Thursday, July 22, 2010 at 2:30 p.m.**

9. **Adjournment/Next Meeting: Thursday, June 24, 2010**  
The ACTIA meeting adjourned at 2:25 p.m.