

TRI-VALLEY TRANSPORTATION COUNCIL

Jean Josey
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Councilmember
Dublin
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Renee Morgan
TVTC Vice-Chair
Councilmember
Town of Danville
(510) 366-0716

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Supervisor District 1
Alameda County
(925) 551-6995

Candace Andersen
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Brittini Kiick
Councilmember
City of Livermore
(925) 960-4019

Julie Testa
Vice Mayor
City of Pleasanton
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Scott Perkins
Vice Mayor
San Ramon
(925) 973-2530

If you have any questions related to the Tri-Valley Transportation Council meeting agenda. Please contact Sai Midididdi. TVTC Administrative staff at (925)833-6630 or email at sai.midididdi@dublin.ca.gov

TVTC REGULAR MEETING

Monday, April 15, 2024
4:00 p.m.

In-Person Meeting Locations:

1. City of Dublin, CMO Conference Room, 100 Civic Plaza, Dublin, CA 94568
2. Office of Supervisor Candace Andersen, Contra Costa County, District 2, 309 Diablo Rd. Danville, CA 94526 (via teleconference)
3. Office of Supervisor David Haubert, Alameda County Board of Supervisors, District 1, 4501 Pleasanton Avenue, Pleasanton, CA 94566 (via teleconference)

Pursuant to Government Section 54953(b), members of the Board will be participating via teleconference from the above-listed in-person meeting locations. All in-person meeting locations will be open and accessible to the public and members of the public will have the opportunity to directly address the Board from these locations. This agenda will be posted at all locations.

Remote Meeting Link:

Join Zoom Meeting Link
<https://dublinca.zoom.us/j/84929441082>
Webinar ID: 849 2944 1082

Or One tap mobile :
+16694449171, 84929441082# US
+16699009128, 84929441082# US (San Jose)

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

+1 669 444 9171 US
+1 669 900 9128 US (San Jose)

Members of the public who wish to participate in the meeting electronically have the option of giving public comments via Zoom during the Public Comment period (for topics not on the agenda), in addition to each of the items on the agenda.

If you are submitting a public comment via email, please do so **by 12:00 p.m. on Monday, April 15, 2024**, to sai.midididdi@dublin.ca.gov. Please include **"Public Comment 04/15/24"** in the subject line. In the body of the email, please include your name and the item you wish to speak on. Public comments

TRI-VALLEY TRANSPORTATION COUNCIL

submitted will be read during Public Comment and will be subject to the regular three-minute time restriction.

This AGENDA is posted in accordance with Government Code Section 54954.2(a). If requested, pursuant to Government Code Section 54953.2, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) (ADA), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation, please contact the Administrator at (925) 833-6650 or by email at sai.midididdi@dublin.ca.gov at least 24 hours in advance of the meeting. Upon receiving a request, the TVTC will swiftly resolve requests for reasonable accommodation for individuals with disabilities, consistent with the federal ADA, and resolve any doubt in favor of accessibility.

Agenda materials that become available within 72 hours in advance of the meeting, and after publishing of the agenda, will be available at Civic Center, 100 Civic Plaza, and will be posted on the TVTC's website at <https://www.tvtc-jpa.com/Meetings/Upcoming-Meetings.aspx>

Once connected to the Zoom platform using the Zoom link information provided, the public speaker will be added to the Zoom webinar as an attendee and muted. The speaker will be able to observe the meeting from the Zoom platform. The speaker will be unmuted to give public testimony via Zoom.

TRI-VALLEY TRANSPORTATION COUNCIL

AGENDA

1. **Call to Order**
2. **Roll Call and Self Introductions**
3. **Public Comment**
4. **Consent Calendar**
 - a. APPROVE January 29, 2024, Minutes*
 - b. APPROVE February 23, 2024, Special Meeting Minutes*
 - c. APPROVE the draft audit report for FY 2022-2023*
 - d. APPROVE the Construction Cost Index Annual Adjustment to the Tri-Valley Transportation Development Fee*
 - e. APPROVE Assignment of Legal Services Retainer Agreement to Redwood Public Law*
5. **Old Business**
 - a. ADOPT Draft Tri-Valley Transportation Development Fee Implementation Guidelines*
6. **New Business**
 - a. ADOPT Resolution No. 2024-06 approving transition of Chair, Vice-Chair, Administration, and Treasurer for a 2-year term beginning Fiscal Year 2024-2025 through Fiscal Year 2025-2026*
 - b. Review monthly statement, LAIF reports, and Mechanics Bank Statement*
7. **Administrative Business**
8. **Informational Items**

July 15, 2024, at 4:00 p.m. – TVTC Board Meeting, Danville Town Offices, Community Meeting Room, 500 La Gonda Way, Danville, CA 94526
9. **Adjournment**

* *Attachment(s)*

Item 4

TRI-VALLEY TRANSPORTATION COUNCIL

Item 4a - DRAFT - MEETING MINUTES

TRI-VALLEY TRANSPORTATION COUNCIL REGULARLY SCHEDULED BOARD MEETING

CMO Conference Room, Dublin City Hall, 100 Civic Plaza, Dublin CA 94568 and
Zoom Teleconference Call
Monday, January 29, 2024

1. **CALL TO ORDER**

The Tri-Valley Transportation Council (TVTC) was called to order at 4:05 p.m. by Chair, Jean Josey, City of Dublin.

2. **ROLL CALL, AND SELF-INTRODUCTIONS**

TVTC Members in Attendance:

Jean Josey, Chair, Councilmember, Dublin
Renee Morgan, Vice-chair, Councilmember, Town of Danville
David Haubert, Supervisor District 1, Alameda County
Candace Andersen, Supervisor District 2, Contra Costa County
Brittini Kiick, Vice Mayor, City of Livermore (absent)
Julie Testa, Councilmember, City of Pleasanton
Scott Perkins, Councilmember, San Ramon

TVTC Staff in Attendance:

Andrew Dillard, Danville
Adam Cleary, Danville
Joanna Liu, Livermore (absent)
Pratyush Bhatia, Dublin
Sai Midididdi, Dublin
Cedric Novenario, Pleasanton
Kristen Villanueva, Alameda CTC
Matt Kelly, CCTA (absent)
Chris Weeks, San Ramon
Robert Sarmiento, Contra Costa County

Others in Attendance

Lindsay D'Andrea, General Counsel's Office

3. **PUBLIC COMMENT**

None

4. **CONSENT CALENDAR**

- a. APPROVE October 16, 2023, Minutes
- b. APPROVE AB 1600 Annual Report and ADOPT Resolution No. 2024-01 Making Five-Year Findings Pursuant to AB 1600 Regarding Unexpended Fund Balances for the Tri-Valley Transportation Development Impact Fee

TRI-VALLEY TRANSPORTATION COUNCIL

- c. ADOPT Resolution No. 2024-02 Approving the Amendment to Bookkeeping and Accounting Services Contract between TVTC and Krisch & Company
- d. APPROVE the amendment to the Funding Plan in Strategic Expenditure Plan document to include Project B1
- e. APPROVE Amendment to TVTC 2024 Meeting Calendar

Motion to Approve Consent Calendar Items by **Perkins**; Second by **Morgan**
Approved (Ayes 6; Noes 0; Abstain 0) Kiick - Absent

5. **OLD BUSINESS**

- a. ADOPT Draft Tri-Valley Transportation Development Fee (TVTDF) Implementation Guidelines.
Staff presented findings on previous feedback received from Board members regarding the impact of new laws that allow housing on school and religious properties on TVTDF. Implementation Guidelines and provide feedback.
 - i. Board members agreed with the findings presented in the meeting regarding the new housing laws. However, the Board did not adopt the guidelines in the meeting as they had additional questions on Step 3 – Calculating Credit of the Fee Collection Process in the draft document. Board members wanted more flexibility built into the guidelines to allow credit to the property owners whose properties may have stayed vacant for 2 or more years.
 - ii. TVTC Administrator indicated that the TAC would discuss the feedback provided by Council, revise the document and bring it back for approval and adoption in a future meeting.

6. **NEW BUSINESS**

- a. ADOPT Resolution No. 2024-03 approving Revised Fiscal Year 2023-24 Mid-year Budget Update and Fiscal Year 2024-25 Proposed Budget*

Motion to Approve Consent Calendar Items by **Haubert**; Second by **Perkins**
Approved (Ayes 5; Noes 0; Abstain 0) Kiick - Absent

- b. ADOPT Resolution No. 2024-04 approving Agreement between TVTC and Meyers Nave for General Counsel Services

Motion to Approve Consent Calendar Items by **Haubert**; Second by **Morgan**
Approved (Ayes 5; Noes 0; Abstain 0) Kiick - Absent

- c. ADOPT Resolution No. 2024-05 approving Agreement with Cropper Rowe, LLP for Audit Services

Motion to Approve Consent Calendar Items by **Perkins**; Second by **Morgan**
Approved (Ayes 5; Noes 0; Abstain 0) Kiick - Absent

- d. Review End-of-Year Financial Reports
- e. Review monthly statement, LAIF reports, and Mechanics Bank Statement

TRI-VALLEY TRANSPORTATION COUNCIL

7. ADMINISTRATIVE BUSINESS

8. INFORMATIONAL ITEMS

March 28, 2024, at 1:00 p.m. – Finance Subcommittee Meeting (pending approval of the amended schedule)

April 15, 2024, at 4:00 p.m. – TVTC Board Meeting

8. ADJOURNMENT

The meeting was adjourned by Chair Josey at 4:41 p.m.

TRI-VALLEY TRANSPORTATION COUNCIL

Item 4b - DRAFT - MEETING MINUTES

TRI-VALLEY TRANSPORTATION COUNCIL SPECIAL BOARD MEETING
RMR Conference Room, Dublin City Hall, 100 Civic Plaza, Dublin CA 94568 and
Zoom Teleconference Call
Friday, February 23, 2024

1. **CALL TO ORDER**

The Tri-Valley Transportation Council (TVTC) special meeting was called to order at 1:05 p.m. by Chair, Jean Josey, City of Dublin.

2. **ROLL CALL, AND SELF-INTRODUCTIONS**

TVTC Members in Attendance:

Jean Josey, Chair, Councilmember, Dublin
Renee Morgan, Vice-chair, Councilmember, Town of Danville
David Haubert, Supervisor District 1, Alameda County
Candace Andersen, Supervisor District 2, Contra Costa County
Brittini Kiick, Vice Mayor, City of Livermore (absent)
Julie Testa, Councilmember, City of Pleasanton
Scott Perkins, Councilmember, San Ramon

TVTC Staff in Attendance:

Andrew Dillard, Danville
Adam Cleary, Danville
Joanna Liu, Livermore (absent)
Pratyush Bhatia, Dublin (absent)
Sai Midididdi, Dublin
Andrew Russell, Dublin
Cedric Novenario, Pleasanton
Kristen Villanueva, Alameda CTC (absent)
Matt Kelly, CCTA (absent)
Chris Weeks, San Ramon
Robert Sarmiento, Contra Costa County (absent)

Others in Attendance

Lindsay D'Andrea, General Counsel's Office
Steven Mattas, General Counsel's Office

3. **PUBLIC COMMENT**

None

4. **CLOSED SESSION: PUBLIC EMPLOYMENT** (Pursuant to Government Code section 54957) Position: General Counsel

TRI-VALLEY TRANSPORTATION COUNCIL

5. RECONVENE IN OPEN SESSION

6. REPORT ON CLOSED SESSION

Nothing to report.

7. INFORMATIONAL ITEMS

March 28, 2024, at 1:00 pm – Finance Subcommittee Meeting

April 15, 2024, at 4:00 pm – TVTC Board Meetings

8. ADJOURNMENT

The meeting was adjourned by Chair Josey at 1:30 p.m.

TRI-VALLEY TRANSPORTATION COUNCIL

Item 4c

Jean Josey
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David Haubert
Supervisor District 1
Alameda County
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City of Pleasanton
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Scott Perkins
Vice Mayor
San Ramon
(925) 973-2530

To: TVTC Board

From: TVTC Finance Subcommittee and Technical Advisory Committee (TAC)

Date: April 15, 2024

Subject: Approve the draft audit report for FY 2022-2023

BACKGROUND

The Tri-Valley Transportation Council (TVTC) Joint Exercise of Powers Agreement (JEPA) requires a designated, independent certified accountant to perform an annual audit of accounts and records of the TVTC. The TVTC acquired the services of Cropper Accountancy Corporation to review the TVTC's financial statements and prepare a FY 2022-2023 Audit.

DISCUSSION

The TVTC FY 2022-2023 Audit was initiated in December 2023, with a draft report completed in February 2023. The Auditor, Cropper Accountancy Corporation, worked with TVTC Administrative staff and member agencies to obtain documents pertaining to the collection and disbursement of Tri-Valley Transportation Development Fee Funds (TVTDF), operating budget, and contracts. Information was provided by all TVTC member agencies.

The auditor did not identify any deficiencies in internal controls that can be considered significant. They also noted that TVTC has hired accounting professionals with knowledge of governmental accounting principles to maintain the general ledger and prepare the financial statements with the fiscal year beginning July 1, 2023.

RECOMMENDATION

The TVTC Finance Subcommittee and the TAC reviewed the Audit Report for FY 2022-23 and recommend the Board to approve it.

ATTACHMENTS

1. Draft Audit Report for FY 2022-23

TRI-VALLEY TRANSPORTATION COUNCIL

Attachment 1 - Draft Audit Report

Draft 2024-03-22

TRI-VALLEY TRANSPORTATION COUNCIL
(A JOINT POWERS AUTHORITY)
ANNUAL FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED JUNE 30, 2023
WITH
INDEPENDENT AUDITORS' REPORT THEREON

TRI-VALLEY TRANSPORTATION COUNCIL
(A JOINT POWERS AUTHORITY)
ANNUAL FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED
JUNE 30, 2023

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Draft 2024-03-22

INDEPENDENT AUDITORS' REPORT

Board Members
Tri-Valley Transportation Council
c/o TVTC Administrator, City of Dublin
Dublin, California

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the business-type activities of the Tri-Valley Transportation Council (the Council), as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Council's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the business-type activities of the Council, as of June 30, 2023, and the respective changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Council and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Council's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Draft 2024-03-22

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and Government Auditing Standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Council's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that Management's Discussion and Analysis on pages 3-5 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

TRI-VALLEY TRANSPORTATION COUNCIL
(A JOINT POWERS AUTHORITY)
Management’s Discussion and Analysis
For the Year Ended June 30, 2023

THE PURPOSE OF THE TRI-VALLEY TRANSPORTATION COUNCIL:

In 1991, the seven jurisdictions of Alameda County, Contra Costa County, Dublin, Pleasanton, Livermore, Danville, and San Ramon signed a Joint Powers Agreement (JPA) that established the Tri-Valley Transportation Council (the “Council”). The purpose of the JPA was the joint preparation of a Tri-Valley Transportation Plan/Action Plan (TVTP/AP) for Routes of Regional Significance (RRS) and cost sharing of recommended improvements.

The Council adopted the TVTP/AP in 1995. The TVTP/AP was later updated in 2000, 2009, and 2014. The most recent update occurred in January 2023, prior to the issuance of these financial statements. TVTC approved the draft TVTP/AP on January 23, 2023 and recommended that the Contra Costa Transportation Authority incorporate the TVTP/AP into the 2023 Countywide Transportation Plan. The purpose of the TVTP/AP is for TVTC member agencies to participate in the multijurisdictional, cooperative planning process envisioned in the Contra Costa Measure J Program to address regional transportation issues that span jurisdictional boundaries. The TVTP/AP establish overall goals, identify RRS, create a set of performance measures (referred to as “regional transportation objectives” or RTOs), and establish a set of actions that will support achievement of the RTOs.

In 1998, through a Joint Exercise Powers Agreement (JEPA), the seven member agencies that comprise the Council approved the Tri-Valley Transportation Development Fee (TVTDF) program. The TVTDF is intended to allocate fair share costs for the regional improvement projects identified in the TVTP/AP.

In 1999, the Council adopted a Strategic Expenditure Plan (SEP) which identified priorities, project sponsors, and funding plan for 11 regional transportation projects (List A). The Council then expanded this list to add 11 new projects (List B).

In 2008, the Council adopted a TVTC Fee Nexus Study (Nexus Study). The Council completed a Validation Review of the Nexus Study in 2017. The Nexus Study summarizes the status of the 22 projects, estimates revenues from the TVTDF over a 10-year horizon, and provides a funding plan for the remaining projects. In 2021, with half of the projects on the list A and B no longer being eligible for funding as a result of projects being completed or changes to the program, TVTC reviewed and selected additional projects to be considered for funding from the TVTDF. This selection process resulted in a new list of projects to mitigate the impacts of new development based on feasibility and stakeholder support. From this process, 16 projects (“List C”) were identified to be considered for TVTDF funding.

The 2021 TVTC Nexus Fee Update Study evaluated the remaining projects from List A and List B, as well as the addition of 16 projects from List C. The analysis found that these projects would reduce the congestion created by new development. The Nexus Study update also determined the new maximum fee needed to fund the improvement projects. The study was adopted on August 16, 2021.

In 2022, the Council adopted a 2022 Strategic Expenditure Plan update which estimated revenues from the TVTDF over a 10-year horizon and provides a funding plan for the priority projects identified from List A, B and C.

Draft 2024-03-22

TRI-VALLEY TRANSPORTATION COUNCIL
(A JOINT POWERS AUTHORITY)
Management’s Discussion and Analysis
For the Year Ended June 30, 2023

THE BASIC FINANCIAL STATEMENTS

The Basic Financial Statements comprise the *Statement of Net Position*, *Statement of Revenues, Expenses, and Changes in Net Position*, and *Statement of Cash Flows*. These statements present all assets and liabilities using the full accrual basis of accounting similar to the accounting model used by private sector firms.

Statement of Net Position

The *Statement of Net Position* (Basic Financial Statements, page 6) is a snapshot of the Council’s financial position at the end of the Fiscal Year (FY) 2023. The Council’s assets are all current assets, i.e. cash and receivables. The Council has no capital assets. For the year ended June 30, 2023, net position totaled \$23,203,939.

Table 1. Statement of Net Position as of June 30:

	<u>2023</u>	<u>2022</u>	<u>\$ Change</u>	<u>% Change</u>
Assets				
Cash and equivalents	\$ 22,402,516	\$ 22,222,134	\$ 180,382	0.8%
Interest receivable	176,098	36,676	139,422	380.1%
Prepaid expenses	736	692	44	6.4%
Developer fee receivables	1,230,141	904,803	325,338	36.0%
	<u>\$ 23,809,491</u>	<u>\$ 23,164,305</u>	<u>\$ 645,186</u>	<u>2.8%</u>
Liabilities and Net Position				
Liabilities	\$ 605,552	\$ 8,946	\$ 596,606	6669.0%
Unrestricted Net Position	23,203,939	23,155,359	48,580	0.2%
	<u>\$ 23,809,491</u>	<u>\$ 23,164,305</u>	<u>\$ 693,766</u>	<u>3.0%</u>

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Draft 2024-03-22

TRI-VALLEY TRANSPORTATION COUNCIL
(A JOINT POWERS AUTHORITY)
Management's Discussion and Analysis
For the Year Ended June 30, 2023

Statement of Revenues, Expenses, and Changes in Net Position

The Statement of Revenues, Expenses, and Changes in Net Position (Basic Financial Statements, page 7) presents the Council's revenue and incurred expenses for the year ended June 30, 2023. All financial activities incurred for the Council are recorded here, including operational expenses, capital project costs, and other revenues and expenses. Since revenues are dependent on new construction, the Council's financial position is generally subject to the same fluctuations as the economy.

**Table 2. Statement of Revenues, Expenses, and Changes in Net Position
for the Fiscal Years Ended June 30:**

	<u>2023</u>	<u>2022</u>	<u>\$ Change</u>	<u>% Change</u>
Expenses				
Transportation improvements	\$ 2,887,629	\$ -	\$ 2,887,629	100.0%
Accounting fees	15,575	7,665	7,910	103.2%
Legal fees	25,583	41,787	(16,204)	-38.8%
Nexus study	-	126,155	(126,155)	-100.0%
Administrative	32,129	32,182	(53)	-0.2%
Refund of fees	-	3,788	(3,788)	-100.0%
Total Expenses	<u>2,960,916</u>	<u>211,577</u>	<u>2,749,339</u>	<u>1299.5%</u>
Revenues (Operating and Nonoperating)				
Interest income (from investments and members)	166,458	73,988	92,470	125.0%
Development fees				
Alameda County	5,277	12,123	(6,846)	-56.5%
Town of Danville	262,880	12,137	250,743	2065.94%
City of Dublin	1,179,054	2,359,601	(1,180,547)	-50.0%
City of Livermore	421,006	202,641	218,365	107.8%
City of Pleasanton	273,738	868,575	(594,837)	-68.5%
City of San Ramon	395,734	305,408	90,326	29.6%
Contra Costa County	49,717	24,139	25,578	106.0%
Total Revenues	<u>2,753,864</u>	<u>3,858,612</u>	<u>(1,104,748)</u>	<u>-28.6%</u>
Change in Net Position	<u>(207,052)</u>	<u>3,647,035</u>	<u>(3,854,087)</u>	<u>-105.7%</u>
Beginning Net Position, as previously stated	23,155,359	19,508,324	3,647,035	18.7%
Prior period adjustment	255,632	-	255,632	100.0%
Beginning Net Position, as restated	<u>23,410,991</u>	<u>19,508,324</u>	<u>3,902,667</u>	<u>20.0%</u>
Ending Net Position	<u>\$23,203,939</u>	<u>\$ 23,155,359</u>	<u>\$ 48,580</u>	<u>0.2%</u>

CONTACTING THE COUNCIL'S FINANCIAL MANAGEMENT

This Management's Discussion and Analysis is intended to provide the reader with a narrative overview of the Council's financial statements for the year ended June 30, 2023. Questions concerning any information provided in this report or requests for additional financial information should be directed to:

Tri-Valley Transportation Council
Sai Midididdi, TVTC Administrator
City of Dublin
100 Civic Plaza
Dublin, CA 94568

Draft 2024-03-22

**TRI-VALLEY TRANSPORTATION COUNCIL
(A JOINT POWERS AUTHORITY)**

Statement of Net Position

June 30, 2023

	2023
<u>ASSETS</u>	
Cash and cash equivalents (Note 2)	\$ 22,402,516
Interest receivable	176,098
Prepaid expenses	736
Development fees receivable (Note 1E)	1,230,141
 Total Assets	 \$ 23,809,491
<u>LIABILITIES AND NET POSITION</u>	
Accounts payable	\$ 605,552
 Total Liabilities	 605,552
Net Position (Note 1B)	
Unrestricted	23,203,939
Total Net Position	23,203,939
Total Liabilities and Net Position	\$ 23,809,491

The accompanying notes are an integral part of these financial statements.

Draft 2024-03-22

TRI-VALLEY TRANSPORTATION COUNCIL
(A JOINT POWERS AUTHORITY)
Statement of Revenues, Expenses, and Changes in Net Position
For the Year Ended June 30, 2023

	2023
Operating Expenses	
Transportation improvements (Note 3)	\$ 2,887,629
Accounting fees	15,575
Legal fees	25,583
Administrative	32,129
Total Operating Expenses	2,960,916
Operating Income	
Interest income from member agencies	6,971
	6,971
Development fees:	
Alameda County	5,277
Town of Danville	262,880
City of Dublin	1,179,054
City of Livermore	421,006
City of Pleasanton	273,738
City of San Ramon	395,734
Contra Costa County	49,717
Total development fees	2,587,406
Total Operating Income	2,594,377
Net operating income	(366,539)
Non-Operating Income	
Investment income	159,487
Total Non-Operating Income	159,487
Change in net position	(207,052)
Net Position, beginning (as previously stated)	23,155,359
Prior period adjustment, correction of an error	255,632
Net Position, beginning (as restated)	23,410,991
Net Position, ending	\$ 23,203,939

The accompanying notes are an integral part of these financial statements.

Draft 2024-03-22

TRI-VALLEY TRANSPORTATION COUNCIL
(A JOINT POWERS AUTHORITY)
Statement of Cash Flows
For the Year Ended June 30, 2023

Cash flows from operating activities	
Receipts from customers (via members)	\$ 2,524,600
Payments to suppliers	(76,725)
Payments for transportation projects	(2,287,629)
Net cash provided by operating activities	<u>160,246</u>
Cash flows from investing activities	
Investment income	<u>20,136</u>
Net cash provided by investing activities	<u>20,136</u>
Net change in cash and cash equivalents	180,382
Cash and cash equivalents, July 1	<u>22,222,134</u>
Cash and cash equivalents, June 30	<u>\$ 22,402,516</u>
Reconciliation of operating income (loss) to net cash used in operating activities	
Net operating income (loss)	(366,539)
Decreases (increases) in assets:	
Prepaid expenses	(44)
Accounts receivable	(69,777)
Increases (decreases) in liabilities:	
Accounts payable (transportation projects)	600,000
Accounts payable (other)	(3,394)
Net cash provided by operating activities	<u>\$ 160,246</u>

The accompanying notes are an integral part of the financial statements

Draft 2024-03-22

TRI-VALLEY TRANSPORTATION COUNCIL
(A JOINT POWERS AUTHORITY)
Notes to the Financial Statements
For the Year Ended June 30, 2023

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

The Tri-Valley Transportation Council (the “Council”) is a joint powers authority (JPA) organized by the Counties of Alameda and Contra Costa, the Town of Danville, and the Cities of Dublin, Livermore, Pleasanton, and San Ramon. The Council’s administrative responsibilities rotate between jurisdictions every two years. The City of San Ramon was the administrator for fiscal years 2020/21 and 2021/22. The City of Dublin is the administrator for the fiscal years 2022/23 through 2023/24. The Council was created to administer development fees for the planning and implementation of sub-regional transportation facilities. This fee was adopted by the seven jurisdictions pursuant to Government Code 6502, and is paid to each of the member agencies by project developers. There are no separate legal entities that are a part of the Council’s reporting entity.

The Council applies all applicable Governmental Accounting Standards Board (GASB) pronouncements for certain accounting and financial reporting guidance. In December of 2010, GASB issued GASBS No. 62, Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements. This statement incorporates pronouncements issued on or before November 30, 1989 into GASB authoritative literature. This includes pronouncements by the Financial Accounting Standards Board (FASB), Accounting Principles Board Opinions (APB), and the Accounting Research Bulletins of the American Institute of Certified Public Accountants’ (AICPA) Committee on Accounting Procedure, unless those pronouncements conflict with or contradict with GASB pronouncements.

B. Measurement Focus and Basis of Accounting

The Council reports its activities as a proprietary fund. A proprietary fund is accounted for on a cost of service or "economic resources" measurement focus. This means that all assets and liabilities (whether current or non-current) associated with the activity are included on the balance sheet. The reported fund equity presents total net position. Proprietary fund operating statements present increases (revenues) and decreases (expenses) in total net position. Revenues and expenses are recognized on an accrual basis. Revenues are recognized in the accounting period in which they are earned, and expenses are recognized in the period incurred.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with the fund's principal ongoing operations. The principal operating revenue for the Council is development fees collected by the member agencies on the Councils behalf. The fee schedule is reviewed and updated periodically to reflect changes in regional construction costs.

Draft 2024-03-22

TRI-VALLEY TRANSPORTATION COUNCIL
(A JOINT POWERS AUTHORITY)
Notes to the Financial Statements
For the Year Ended June 30, 2023

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Statement of Net Position - The statement of net position is designed to display the financial position of the Council.

- Invested in capital assets, net of related debt - This component consists of capital assets including restricted capital assets, net of accumulated depreciation and reduced by the outstanding balances of any bonds, notes, or other borrowings that are attributable to the acquisition, construction, or improvement of those assets. The Council does not have any capital assets at June 30, 2023.
- Restricted - This component consists of constraints placed on net position use through external constraints imposed by creditors (such as through debt covenants), grantors, contributors, or law or regulations of other governments. It also pertains to constraints imposed by law or constitutional provisions or enabling legislation. The Council does not have any restrictions on net position at June 30, 2023.
- Unrestricted - This component consists of net position that do not meet the definition of "restricted" or "invested in capital assets, net of related debt." When both restricted and unrestricted resources are available, restricted resources will be depleted prior to use of unrestricted resources.

Statement of Revenues, Expenses, and Changes in Net Position - The statement of revenues, expenses, and changes in net position is the operating statement for proprietary funds. Revenues are reported by major source. This statement distinguishes between operating and non-operating revenues and expenses and presents a separate subtotal for operating revenues, operating expenses, and net operating income/loss.

C. Prior Period Adjustment

During the course of the audit, discrepancies between the fiscal year 2022 audited financial statements and the confirmations for several member agencies were noted. As a result, the auditor and the Council reassessed the 2022 and 2023 revenue and booked a prior period adjustment as follows:

Beginning net position, as previously stated	\$ 23,155,359
2022 revenue not previously recognized	<u>255,632</u>
Beginning net position, as restated	<u>\$ 23,410,991</u>

Draft 2024-03-22

TRI-VALLEY TRANSPORTATION COUNCIL
(A JOINT POWERS AUTHORITY)
Notes to the Financial Statements
For the Year Ended June 30, 2023

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

D. Cash and Investments

The Council does not commingle its cash and investments with the JPA members. The funds are invested in accordance with the State Investment Policy established pursuant to the State Law. All monies not required for immediate expenditure are invested or deposited to earn maximum yield consistent with safety and liquidity.

Investments are carried at fair value, which is based on quoted market price if applicable. Otherwise, the fair value hierarchy is as follows:

Level 1 – Values are unadjusted quoted prices in active markets for identical assets or liabilities at the measurement date.

Level 2 – Inputs, other than quoted prices, included within Level 1 that are observable for the asset or liabilities at the measurement date.

Level 3 – Certain inputs are unobservable inputs (supported by little or no market activity, such as the Council’s best estimate of what hypothetical market participants would use to determine a transaction price for the asset or liability at the reporting date).

The Council invests in the California Local Agency Investment Fund (LAIF), which is part of the Pooled Money Investment Account operated by the California State Treasurer. LAIF funds are invested in high quality money market securities and are managed to insure the safety of the portfolio. A portion of LAIF’s investments are in structured notes and asset-backed securities.

LAIF determines fair value on its investment portfolio based on market quotations for these securities where market quotations are readily available, and on amortized cost or best estimate for those securities where market value is not readily available.

E. Receivables

Receivables recorded in the financial statements are net of any allowance for doubtful accounts. Any doubtful accounts at June 30, 2023 were not considered material.

F. Revenue Recognition - Development Fees

Development fees are assessed according to a set fee schedule for new construction. The fees collected under the Council from new construction will be used to mitigate the increased traffic congestion.

Draft 2024-03-22

TRI-VALLEY TRANSPORTATION COUNCIL
(A JOINT POWERS AUTHORITY)
Notes to the Financial Statements
For the Year Ended June 30, 2023

NOTE 2. CASH AND INVESTMENTS

The cash and investments of the Council are maintained separately from with the funds of the JPA members. The Council considers cash and investment amounts with original maturities of three months or less to be cash equivalents.

Cash and Investments consisted of the following at June 30:

	<u>2023</u>
Cash in banks	\$ 809,040
Local Agency Investment Fund	21,593,476
Total cash and investments	<u>\$ 22,402,516</u>

Investments Authorized by the Council's Investment Policy

The Council is authorized to invest in obligations of the U.S. Treasury, agencies, commercial paper with certain minimum ratings, certificates of deposit, bankers' acceptances, repurchase agreements and the State Treasurer's Investment pool ("LAIF").

Deposits/Credit Risk

The California Government Code requires California banks and savings and loan associations to secure Public Agencies' deposits by pledging government securities as collateral. The market value of pledged securities must equal at least 110% of deposits. California law also allows financial institutions to secure such deposits by pledging first trust deed mortgage notes having a value of 150% of the total deposits. The first \$250,000 of each institution's deposits are covered by FDIC insurance. The Council's cash is held at one financial institution.

Disclosures Relating to Credit Risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization.

Custodial Credit Risk

Custodial credit risk for *deposits* is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits or will not be able to recover collateral securities that are in the possession of an outside party. The California Government Code and the Council's investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for deposits, other than the following provision for deposits: The California Government Code requires that a financial institution secure deposits made by state or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the governmental unit). The market value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by the public agencies.

Draft 2024-03-22

TRI-VALLEY TRANSPORTATION COUNCIL
(A JOINT POWERS AUTHORITY)
Notes to the Financial Statements
For the Year Ended June 30, 2023

NOTE 2. CASH AND INVESTMENTS (continued)

Custodial credit risk for *investments* is the risk that, in the event of the failure of the counterparty (e.g., broker-dealer) to a transaction, a government will not be able to recover its deposits or will not be able to recover the value of its investment or collateral securities that are in the possession of another party. The California Government Code and the Council's investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for investments. With respect to investments, custodial credit risk generally applies only to direct investments in marketable securities. Custodial credit risk does not apply to a local government's indirect investment in securities through the use of mutual funds or government investment pools.

Investment Fair Value

The Council is a voluntary participant in the Local Agency Investment Fund (LAIF) that is regulated by California Government Code under the oversight of the Treasurer of the State of California. The fair value of the Council's investment in this pool is reported in the accompanying financial statements at amounts based upon the Council's pro-rata share of the fair value provided by LAIF for the entire LAIF portfolio (in relation to the amortized cost of that portfolio). The balance available for withdrawal is based on the accounting records maintained by LAIF, which are recorded on an amortized cost basis.

NOTE 3: TRANSPORTATION IMPROVEMENT PROJECTS

During the fiscal year ended June 30, 2023, \$2,887,629 was expensed relating to transportation improvement projects. Monies are disbursed only after it is determined that sufficient funds are available in the joint Tri-Valley Transportation Development Fund bank account.

NOTE 4: SUBSEQUENT EVENTS

Management has evaluated subsequent events through the date of the audit opinion, which is the date on which the financial statements were available to be issued. No events that would require additional adjustment or disclosure came to the attention of management.

Draft 2024-03-22

**REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE
AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

The Board Members
Tri-Valley Transportation Council
San Ramon, California

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the business activities of the Tri-Valley Transportation Council (the “Council”) as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Council’s basic financial statements, and have issued our report thereon dated February 9, 2024.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Council’s internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Council’s internal control. Accordingly, we do not express an opinion on the effectiveness of the Council’s internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. Given these limitations, during our audit we did identify the following deficiencies in internal control that we consider to be material weaknesses:

- Preparing financial statements in accordance with generally accepted accounting principles (GAAP) for governmental entities requires the preparer to possess adequate knowledge of the accounting principles affecting the organization. Such knowledge includes an understanding of the requirements related to relevant note disclosures, an awareness of accounting changes taking place in the industry in which the organization operates, and the ability to research unusual accounting transactions or situations encountered.

Draft 2024-03-22

In larger organizations, accounting personnel who lack this knowledge obtain it through advanced accounting courses or continuing education. However, many smaller organizations, such as the Council, do not employ accounting personnel with the education and experience to prepare full disclosure financial statements in accordance with GAAP. The Council uses a third-party accounting firm to maintain the general ledger. This Company uses QuickBooks as its accounting software. QuickBooks is a good software for entities with a single business-type fund on a cash basis but is not ideal for governmental accounting. Additionally, the Council does not necessarily know how much each member agency will be remitting per quarter until those funds are received. This can result in cutoff or completeness issues related to development fee revenue. The audit team confirms all revenue and accounts receivable with the member agencies, however we recommend that each member remit an annual report to the Council to substantiate their position on revenue paid and/or due to the Council, based on the approved fee schedule. The auditors can perform procedures, on a rotating basis, to ensure the propriety of those reports.

The Council has retained accounting professionals with a knowledge of governmental accounting principles to maintain the general ledger and prepare the financial statements beginning with the fiscal year beginning July 1, 2023. **This finding is expected to be removed for fiscal year 2023-24.**

We did not identify any deficiencies in internal control that we consider to be significant deficiencies.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Council’s financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Tri-Valley Transportation Council’s Response to Findings

Management’s response to the findings identified in our audit was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity’s internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity’s internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

CROPPER ROWE, LLP
Walnut Creek, California
February 9, 2024

TRI-VALLEY TRANSPORTATION COUNCIL

Item 4d

Jean Josey
TVTC Chair
Councilmember
Dublin
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Renee Morgan
TVTC Vice-Chair
Councilmember
Town of Danville
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David Haubert
Supervisor District 1
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Candace Andersen
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Brittni Kiick
Councilmember
City of Livermore
(925) 960-4019

Julie Testa
Vice Mayor
City of Pleasanton
(925) 931-5001

Scott Perkins
Vice Mayor
San Ramon
(925) 973-2530

To: TVTC Board

From: TVTC Finance Subcommittee and Technical Advisory Committee (TAC)

Date: April 15, 2024

Subject: REVIEW and ADOPT the Construction Cost Index Annual Adjustment to the Tri-Valley Transportation Development Fee

BACKGROUND

The Joint Exercise of Powers Agreement (JEPA) for the Tri-Valley Transportation Development Fee (TVTDF) contemplates that the TVTDF amounts will be adjusted annually as of July 1 of each year to reflect changes in regional construction costs. JEPA Section 3(d)(i) specifies that the adjustment may be adopted by a simple majority of the TVTC Board.

DISCUSSION

The amount of the adjustment is based on the change in the "Construction Cost Index" (CCI) for the San Francisco Bay Area, as reported annually in the Engineering News Record (ENR). The December 2023 ENR CCI for the San Francisco Bay Area is **+3.6%**. Per TVTC Resolution No. 2022-07 all of the rates may be adjusted by CCI for FY' 24/25.

RECOMMENDATION

The TVTC Finance Subcommittee and the TAC recommend that the Board adopt the Tri-Valley Transportation Development Fee Construction Cost Index Annual Adjustment and notify each TVTC member agency to collect the recommended TVTDF rates as listed below starting **July 1, 2024**:

Single Family Residential	\$7,196.07/Dwelling Unit (DU)
Multi-Family Residential	\$4,242.76/DU
Office	\$9.61/sq. ft. Gross Floor Area
Retail	\$6.13/sq. ft. Gross Floor Area
Industrial	\$5.42/sq. ft. Gross Floor Area
Other	\$6,655.28/average a.m./p.m. peak hour trip
ADU/SDU	\$0
Affordable Housing	\$0

TRI-VALLEY TRANSPORTATION COUNCIL

TVTDF Historical Fee Rates compared to proposed 2024 Rates

	2022	2023	2024
Single Family Residential (per DU)	\$6,596.40	\$6,946.01	\$7,196.07
Multi-Family Residential (per DU)	\$3,889.20	\$4,095.33	\$4,242.76
Office (per SF Gross Floor Area)	\$8.81	\$9.28	\$9.61
Retail (per SF Gross Floor Area)	\$5.07	\$5.92	\$6.13
Industrial (per SF Gross Floor Area)	\$4.97	\$5.23	\$5.42
Other (average am/pm peak hour trip)	\$6,100.68	\$6,424.02	\$6,655.28
Affordable Housing *	\$0.00	\$0.00	\$0.00
ADU/SDU**	\$0.00	\$0.00	\$0.00

*Pursuant to Resolution No. 2015-01 Adjusting the Tri-Valley Transportation Development Fee Schedule

**Pursuant to Resolution No. 2019-03 – Resetting the Accessory Dwelling Unit/Secondary Dwelling Unit Fee in the Tri Valley Transportation Council Development Fee Program.

TRI-VALLEY TRANSPORTATION COUNCIL

Item 4e

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TVTC Chair
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Councilmember
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Scott Perkins
Vice Mayor
San Ramon
(925) 973-2530

To: TVTC Board

From: TVTC Finance Subcommittee and Technical Advisory Committee (TAC)

Date: April 15, 2024

Subject: Assignment of Legal Services Retainer Agreement to Redwood Public Law

BACKGROUND

On January 29, 2024, the Tri-Valley Transportation Council (TVTC) and Meyers Nave entered into a Legal Services Retainer Agreement (“Agreement”) pursuant to which Lindsay D’Andrea and Steve Mattas would continue to provide general counsel legal services to TVTC, as described in the Scope of Work contained in Exhibit A to the Agreement. A copy of the Agreement and its exhibits are attached hereto as Exhibit 1. Steve Mattas and Lindsay D’Andrea have provided general counsel legal services to TVTC through Meyers Nave since 2014. In February of 2024, Lindsay D’Andrea and Steve Mattas provided their resignation to Meyers Nave effective March 14, 2024, and notified the TVTC Administrator and the TVTC Chair that they were joining Redwood Public Law, LLP (Redwood) as of March 15, 2024. Redwood is a new law firm that is focused on the representation of public agencies and publicly-minded private entities and is composed of lawyers, who are specialists in public agency law, transportation agency law, and general counsel services. TVTC has been receiving legal services from Redwood since March 15th pursuant to a short-term agreement executed under the TVTC Administrator’s contract authority.

DISCUSSION

The TVTC TAC desires to continue receiving general counsel legal services from Lindsay D’Andrea and Steve Mattas based on their extensive background, experience, and knowledge of TVTC matters. On February 23, 2024, the Board held a closed session to discuss the available options and directed staff to bring an item back to the Board at the April 15th Board Meeting to assign the contract to Redwood.

Redwood indicated that they are willing to agree to assumption of all rights, obligations, and terms of the Agreement of Meyers Nave. Additionally, Redwood also agrees to reduce the hourly rates under the Agreement during the first year of the term by \$15 per hour.

TRI-VALLEY TRANSPORTATION COUNCIL

RECOMMENDATION

The TVTC TAC recommends that the Board approve the assignment of Legal Services Retainer Agreement to Redwood Public Law by approving Amendment 1 to the Agreement.

ATTACHMENTS

1. Resolution Approving Amendment 1 Assigning the Legal Services Retainer Agreement
2. Amendment 1 to Legal Services Retainer Agreement

TRI-VALLEY TRANSPORTATION COUNCIL

TRI-VALLEY TRANSPORTATION COUNCIL RESOLUTION NO. 2024-06

A RESOLUTION APPROVING FIRST AMENDMENT TO LEGAL SERVICES RETAINER AGREEMENT

WHEREAS, Lindsay D’Andrea and Steve Mattas have provided general counsel legal services to the TVTC as part of Meyers Nave since 2014; and

WHEREAS, on January 29, 2024, TVTC approved that certain Legal Services Retainer Agreement (“Agreement”) pursuant to which Lindsay D’Andrea and Steve Mattas would continue to provide general counsel legal services to TVTC; and

WHEREAS, on March 15, 2024, Lindsay D’Andrea and Steve Mattas resigned from Meyers Nave and joined Redwood Public Law, LLP (“Redwood”); and

WHEREAS, TVTC desires to continue receiving general counsel legal services from Lindsay D’Andrea and Steve Mattas and TVTC Staff recommends an amendment to the Agreement to memorialize the assignment and assumption of the Agreement to and by Redwood; and

NOW THEREFORE BE IT RESOLVED THAT TVTC:

1. Approves the amendment to the Legal Services Retainer Agreement to memorialize the assignment and assumption of the Agreement to and by Redwood Public Law, LLP; and

3. Authorizes the Chairperson to execute the Amendment on behalf of TVTC.

PASSED, APPROVED AND ADOPTED at the meeting of April 15, 2024, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jean Josey, Chair
Tri-Valley Transportation Council

TRI-VALLEY TRANSPORTATION COUNCIL

ATTEST:

Sai Midididdi, TVTC Administrator

TRI-VALLEY TRANSPORTATION COUNCIL

AMENDMENT NO. 1 TO LEGAL SERVICES RETAINER AGREEMENT

This Amendment No. 1 (“First Amendment”) is made as of this 15th day of April, 2024 (“Effective Date”) by and between the Tri-Valley Transportation Council (“TVTC”), Meyers Nave, (“Meyers Nave”), and Redwood Public Law, LLP (“Redwood”), who are sometimes referred to herein together as the “Parties” and singularly as a “Party.”

RECITALS

WHEREAS, Lindsay D’Andrea and Steve Mattas have provided general counsel legal services to the TVTC as part of Meyers Nave since 2014; and

WHEREAS, on January 29, 2024, the TVTC approved that certain Legal Services Retainer Agreement (“Agreement”) pursuant to which Lindsay D’Andrea and Steve Mattas would continue to provide general counsel legal services to TVTC, as further described in the Scope of Work contained in Exhibit A to the Agreement. A true and correct copy of the Agreement and its exhibits is attached hereto as Exhibit 1 hereto; and

WHEREAS, on March 15, 2024, Lindsay D’Andrea and Steve Mattas resigned from Meyers Nave and joined Redwood; and

WHEREAS, Section 12 of the Agreement provides that the Agreement may not be assigned or transferred without the prior written consent of the TVTC; and

WHEREAS, the TVTC desires to continue receiving general counsel legal services from Lindsay D’Andrea and Steve Mattas and hereby consents to the assignment of the Agreement upon Redwood’s assumption of all rights, obligations, and terms of the Agreement.

NOW, THEREFORE, the foregoing recitals are deemed true and correct and made a part of this Amendment and for and in consideration of the promises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree to amend the Agreement as follows:

1. Meyers Nave assigns its interest in the Agreement to Redwood and Redwood accepts the assignment and assumes all rights and obligations of Meyers Nave under Agreement and agrees to abide by all terms under the Agreement. Redwood agrees to reduce the hourly rates under the Agreement during the first year of the term by \$15 per hour. The TVTC consents to such assignment.
2. All references to “Attorneys” in the Agreement shall be deemed to refer to Redwood.
3. All other terms which are defined in the Agreement shall have the same meaning when used in this Amendment, unless specifically provided herein to the contrary.

TRI-VALLEY TRANSPORTATION COUNCIL

4. All other terms, conditions, and provisions in the Agreement remain in full force and effect. If there is a conflict between the terms of this Amendment and the Agreement, the terms of the Agreement will control unless specifically modified by this Amendment.

This First Amendment may be executed in counterparts and/or by facsimile or other electronic means, and when each Party has signed and delivered at least one such counterpart, each counterpart shall be deemed an original, and, when taken together with other signed counterparts, shall constitute one original, which shall be binding upon and effective as to all Parties.

--Signatures on the Following Page--

TRI-VALLEY TRANSPORTATION COUNCIL

IN WITNESS THEREOF, the parties have executed this First Amendment on the 15th day of April 2024.

TRI-VALLEY TRANSPORTATION COUNCIL

by: _____
Jean Josey, Chair

TVTC ADMINISTRATOR

by: _____
Sai Midididdi

Approved as to form:

by: _____
Title:

MEYERS NAVE, PLC

by: _____
Its:

REDWOOD PUBLIC LAW, LLP

by: _____
Its:

TRI-VALLEY TRANSPORTATION COUNCIL

EXHIBIT 1 LEGAL SERVICES AGREEMENT

EXHIBIT 1

LEGAL SERVICES RETAINER AGREEMENT

The Tri-Valley Transportation Council, a joint powers authority formed under the Joint Exercise of Powers Act (Gov. Code §§ 6500 *et seq.*) (“TVTC”) and Meyers Nave, a professional law corporation, (“Attorneys”), hereby agree as follows:

1. **Scope of Work: Attorneys will furnish general legal services to TVTC** in accordance with Exhibit A, attached hereto and by this reference made a part hereof.

2. **Term:** The term of this Agreement shall begin on July 1, 2024 and continues until June 30, 2026 as provided for in paragraphs 6 or 10 below. The parties may agree to two (2) one-year (1) extensions.

3. **Compensation Rate:** The hourly rate of compensation for the initial term and any extension shall be as described in **Form B**, attached hereto and by this reference made a part hereof. The parties have agreed on a “Not to Exceed” Amount of Forty Thousand dollars (\$40,000), which is limited to annual not to exceed amounts of Twenty Thousand dollars (\$20,000). Amounts approved for any year beyond the first year of this Agreement are subject to the limits of Paragraph H, subpart 3 of the Tri-Valley Transportation Council Bylaws.

4. **PAYMENT:** Except for the compensation rate, stated above, all terms and conditions set forth in this Agreement shall dictate the terms and conditions under which services will be performed by Attorneys. All billing statements should be directed to the TVTC Administrator for review and approval. The billing statements should be provided on approximately a monthly basis (or as otherwise agreed to in writing by the Attorneys and the TVTC Administrator) detailing each person performing service and a brief description of the work performed. In addition to applicable approved hourly rates, Attorneys will be reimbursed for those out-of-pocket expenses, including travel expenses, copying expenses, and other expenses.

5. **DIRECTION:** Attorney’s work under this Agreement shall be under the supervision of the TVTC Administrator.

6. **TERMINATION:** This Retainer Agreement for legal services may be terminated by the TVTC at any time, upon written notice by the TVTC.

7. **EXPERT CONSULTANTS:** The TVTC Administrator will review all requests for extraordinary expenses before the same are incurred by Attorneys. Attorneys will engage no expert consultants without having first received the consent of the TVTC Administrator both as to the identify and task of the consultants and the hourly amount to be paid for the consultant’s work.

8. **PROFESSIONAL SKILL:** Attorneys are skilled in the professional calling necessary to perform the work agreed to be done under this Agreement, and TVTC relies upon the skill of Attorneys to do and perform the work in a professional and skillful manner, and Attorneys agree to perform the work in accordance with this standard.

9. INSURANCE:

- a. During the term of this Agreement, Attorneys shall maintain comprehensive general liability coverage with aggregate limits in an amount not less than \$5 million, and automobile coverage with combined single limits in an amount not less than \$1 Million. Upon TVTC's request, Attorneys shall provide TVTC a certificate evidencing this insurance. The TVTC shall be named as an additional insured on each liability and automobile policy providing such coverage. Attorneys' coverage shall be primary to any insurance maintained by TVTC. Unless the policy is simultaneously replaced with a new policy providing the same coverage, Attorneys shall immediately forward to TVTC any notice of the cancellation or non-renewal of such coverages, or any other policy changes that materially affect coverage.
- b. During the term of this Agreement, Attorneys also shall maintain professional liability insurance coverage with primary limits in an amount not less than \$1 Million per person and \$5 Million per incident. Such insurance shall insure Attorneys' work to be performed under this Agreement. Upon TVTC's request, Attorneys shall provide TVTC a certificate evidencing this insurance. Attorneys' professional liability coverage shall be primary to any insurance maintained by TVTC. Unless the policy is simultaneously replaced with a policy providing the same or greater coverage and limits, Attorneys shall provide 30 days advanced written notice to the TVTC of the cancellation or non-renewal of Attorneys' professional liability coverage, or any other policy changes that materially affect such coverage.
- c. During the term of this Agreement, Attorneys shall also maintain workers' compensation insurance as required by law. At TVTC's request, Attorneys shall provide TVTC a certificate evidencing this insurance. Attorneys' workers' compensation insurance shall be primary to any insurance maintained by TVTC. Unless the policy is simultaneously replaced with a new policy providing the same coverage, Attorneys shall provide 30 days advanced written notice to the TVTC of the cancellation or non-renewal of said Attorney's workers' compensation insurance, or any other policy changes that materially affect such coverage.

10. MAXIMUM COMPENSATION: Notwithstanding anything in this Agreement to the contrary and except as provided in Section 3, the maximum amount of money which the TVTC shall be obligated to pay Attorneys under this Agreement shall not exceed Forty thousand dollars (\$40,000) for general counsel services, which is limited to annual not to exceed amounts of Twenty Thousand dollars (\$20,000), as such budget may be modified from time to time. The parties agree to negotiate an amendment to this Agreement which are mutually acceptable to the parties. In the event the parties cannot agree on additional compensation or other terms, modifications or additions to this Agreement, this Agreement shall terminate.

11. EMPLOYER/EMPLOYEE RELATIONSHIP: No relationship of employer and employee is created by this Agreement, it being understood that Attorneys shall act

hereunder as independent contractors; that Attorneys shall not have any claim under this Agreement or otherwise against TVTC for seniority, vacation time, vacation pay, sick leave, personal time off, overtime, health insurance, medical care, hospital care, retirement benefits, Social Security, disability, Workers', Compensation, or unemployment insurance benefits, civil service protection, or employee benefits of any kind; that Attorneys shall be solely liable for and obligated to pay directly all applicable taxes, including, but not limited to, federal and state income taxes, and in connection therewith Attorneys shall indemnify and hold TVTC harmless from any and all liability which TVTC may incur because of Attorneys' failure to pay such taxes; that Attorneys do, by this Agreement, agree to perform their sad work and functions at all times in strict accordance with currently approved methods and practices in their field and that the sole interest of TVTC is to ensure that said service shall be performed and rendered in a competent, efficient, timely and satisfactory manner and in accordance with the standards required by the agency concerned.

12. ASSIGNMENT OF CONTRACT: Nothing contained in this Agreement shall be construed to permit assignment or transfer by Attorneys of any rights under this Agreement and such assignment or transfer is expressly prohibited and void, unless expressly approved in writing in advance by TVTC.

13. DRUG-FREE WORKPLACE: Attorneys and Attorneys' employees shall maintain a drug-free workplace. Neither Attorneys nor Attorneys' employees shall unlawfully manufacture, distribute, dispense, possess or use controlled substances, as defined in 21 U.S. Code Section 812, including marijuana, heroin, cocaine, and amphetamines, at any of TVTC's facilities or work sites. If any principal or employee of Attorneys is convicted or pleads *nolo contendere* to a criminal drug statue violation occurring at TVTC's facilities or work sites, Attorneys shall notify the TVTC Administrator within five days thereafter. Violation of this provision shall constitute a material breach of this Agreement.

14. CONFLICT OF INTEREST: No officer, or employee of TVTC and no member of their governing bodies shall have any pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof. Neither of Attorneys shall serve on the TVTC Governing Council, committee, or hold any such position which either by rule, practice or action nominates, recommends, supervises Attorneys' operations, or authorizes funding to Attorneys.

15. RECORDS AND AUDITS: Attorneys will retain all records concerning this Agreement, or microfilm/electronic records of them, except original documents concerning telephone, copy, postage, telecopy and messenger charges, for a period of at least five years from the date of service.

Until the expiration of five years after the furnishing of any services pursuant to this Agreement, Attorneys shall make available, upon written request, to TVTC, any of its member cities or counties, or to the Federal/State government or any of their duly authorized representatives, this Agreement, and such books, documents, and records of Attorneys that are necessary to certify that the nature and extent of the reasonable cost of services to TVTC. If Attorneys enter into any Agreement with any related organization to provide services pursuant to this agreement with a value or cost of \$10,000 or more over a twelve-month period, such Agreement shall contain a clause to the effect that until

the expiration of five years after the furnishing of services pursuant to such subcontract, the related organization shall make available, upon written request, to the Federal/State government or any of their duly authorized representatives, the subcontract, arid books, documents and records of such organization that are necessary to verify the nature and extent of such costs. This paragraph shall be of no force and effect when and if is not required by law.

16. INDEMNITY: Attorneys shall indemnify and hold and save TVTC harmless from any and all claims, expenses and damages arising from Attorneys' performance under this Agreement, including, but not limited to, third-party claims for injury to persons or property damage, to the extent Attorneys negligently or intentionally failed to perform such services in accordance with the standard of care applicable to Attorneys.

17. BREACH: In the event that Attorneys fail to perform any of the services described in this Agreement or otherwise breach this Agreement, TVTC shall have the right to pursue all remedies provided by law or equity. Disputes relating to the performance of this Agreement shall not be subject to non-judicial arbitration.

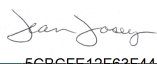
18. MODIFICATION: No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto.

After having had the opportunity to review this Agreement and after having the language in form of this Agreement approved as containing the agreement between the parties, as shown below, and by signing this Agreement, the undersigned agrees to the terms of the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written below.

TRI_VALLEY TRANSPORTATION COUNCIL

Dated: 2/23/2024

DocuSigned by:

By: _____
5CB6FE12F63F440...
Jean Josey, Chair

ATTORNEYS

Meyers Nave

Dated: 2/19/2024

DocuSigned by:

By: _____
6347662C49394C0...
Authorized Partner of Law Firm

EXHIBIT A
SCOPE OF WORK

General Counsel shall have:

Knowledge of:

- Legal research.
- Principles and practice of constitutional, civil and administrative law and procedure.
- California statutory and constitutional law.
- Law in relation to authority, responsibilities and obligations of public officials, administrative boards and joint exercise of powers agencies.
- California civil and appellate procedures.
- Areas of law unique to public law practice: Brown Act, Public Records Act, Joint Exercise of Powers Act, etc.
- Federal and State law on the financing of transportation and transit projects.
- Land Use law, California Environmental Quality Act (CEQA).
- Trial and hearing procedures and rules of evidence.
- TVTC governing documents (Joint Exercise of Powers Agreement, Bylaws – both documents enclosed for reference).

Ability to:

- Direct legal preparation in difficult and complex matters.
- Perform legal research.
- Present oral and written statements of fact, law and argument in a clear and logical manner.
- Exercise good judgment; make sound decisions on legal casework and in dealing with people.
- Identify sensitive and political issues/considerations underlying requests for legal assistance from clients.
- Respond to various interpersonal reactions of clients, judges and attorneys in a sensitive and tactful manner.
- Frame oral and written comments or argument appropriately within a sensitive and political environment.

RESPONSIBILITIES OF GENERAL COUNSEL

1. Serve as General Counsel to TVTC and will have responsibility of overseeing the TVTC's legal affairs. General Counsel will report to the TVTC Staff Administrator ("Administrator") as an independent contractor and will advise the TVTC Governing Council ("Governing Council") and TVTC Technical Advisory Committee (TAC) as needed.
2. General Counsel will review and/or draft contracts, procurement documents, bidding procedures, and other documents arising in the ordinary course of business. General Counsel shall be familiar with the federal and state procurement laws and regulations as well as laws affecting the operation and financing of the Regional Transportation Development Fee. General Counsel will be responsible for executing Governing Council Resolutions and other documents requiring the signature of TVTC General Counsel.

3. General Counsel will be asked to attend Governing Council meetings. Meetings are held a minimum of 6 times a year, usually during late afternoon in various locations throughout the TVTC service area. General Counsel will also attend special meetings at the request of Administrator on TVTC specific matters as needed. These meetings may occur 4-6 times a month with 1-3 weeks' notice. General Counsel will also be required to be available for regular phone conferences as needed.
4. General Counsel will attend meetings of other government agencies or legal proceedings on behalf of TVTC.

Any legal matters requiring extraordinary amounts of time, e.g. litigation, shall not necessarily be covered by this agreement, but will be agreed to by the General Counsel and the Administrator on an ad hoc basis, and may be subject to a separate engagement with written approval of the Governing Council.

FORM B

Price Summary

Annual Cost Estimate	\$20,000
Hourly Rate	Senior Principal \$475 Of Counsel \$420 Associate \$350 Paralegal \$200
Optional First One-Year Extension	Senior Principal \$499 Of Counsel \$441 Associate \$368 Paralegal \$210
Optional Second One-Year Extension	Senior Principal \$524 Of Counsel \$464 Associate \$386 Paralegal \$222

Item 5

TRI-VALLEY TRANSPORTATION COUNCIL

Item 5a

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Dublin
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Renee Morgan
TVTC Vice-Chair
Councilmember
Town of Danville
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David Haubert
Supervisor District 1
Alameda County
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Candace Andersen
Supervisor District 2
Contra Costa County
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Brittni Kiick
Councilmember
City of Livermore
(925) 960-4019

Julie Testa
Vice Mayor
City of Pleasanton
(925) 931-5001

Scott Perkins
Vice Mayor
San Ramon
(925) 973-2530

To: TVTC Board

From: TVTC Technical Advisory Committee (TAC)

Date: April 15, 2024

Subject: Adopt TVTC's Draft Tri-Valley Transportation Development Fee Implementation Guidelines.

BACKGROUND

On January 29, 2024, the Tri-Valley Transportation Council (TVTC) Board reviewed the Tri-Valley Transportation Development Fee (TVTDF) Implementation Guidelines and provided feedback.

DISCUSSION

At the January 29, 2024 TVTC Board meeting, a query arose from the Board regarding the "Step-3 Calculating Credit" in the Fee Calculation Methodology outlined in the TVTDF Implementation Guidelines. Presently, the draft guidelines restrict TVTDF credit to a two-year vacancy period. Consequently, properties vacant for more than two years would not receive credit for existing land use.

Some Board members expressed concerns about the potential financial strain this limitation could impose on businesses and property owners striving to fill vacant properties. Conversely, a few members suggested that maintaining the vacancy limit could serve as an incentive for property owners to keep buildings occupied.

In response, staff was tasked with evaluating options to either provide exceptions for business owners or separate the language from the guidelines, allowing individual agencies' ordinances or resolutions to determine the appropriateness of such exceptions.

After thorough evaluation, the TVTC Technical Advisory Committee (TAC) recommends incorporating the following language into "Step 3 - Calculating Credit" in the Fee Calculation Methodology: "Credits may be granted to developments involving a change in existing land use, with the credit amount based on the existing land use. In instances where a property has remained vacant for more than five years, a jurisdiction may choose not to grant credit. When deciding whether to award a credit, the jurisdiction may request financial documentation from the developer to assess the impact of the credit on the financial feasibility of the proposed development."

TRI-VALLEY TRANSPORTATION COUNCIL

RECOMMENDATION

The TVTC TAC recommends adopting the Draft Tri-Valley Transportation Development Fee Implementation Guidelines with the recommended change.

ATTACHMENTS

1. Draft Tri-Valley Transportation Development Fee Implementation Guidelines

Tri-Valley Transportation Council (TVTC)

Tri-Valley Transportation Development Fee Implementation Guidelines

~~October-April 2023~~³⁴ (DRAFT)

1. Introduction and Background

Tri-Valley Transportation Council (TVTC)

In 1991, the seven jurisdictions of Alameda County, Contra Costa County, Dublin, Pleasanton, Livermore, Danville, and San Ramon signed a Joint Powers Agreement (JPA) that established the Tri-Valley Transportation Council (TVTC). The purpose of the JPA was for the joint preparation of a Tri-Valley Transportation Plan/Action Plan (TVTP/AP) for Routes of Regional Significance (RRS) and cost sharing of recommended improvements. The TVTP/AP was prepared and presented to all member jurisdictions in April 1995 and updated in 2000. The TVTP/AP created a common understanding and agreement on the Tri-Valley's transportation concerns regarding prioritizing projects for funding and implementation. In addition to the project priorities, the TVTP/AP also recommended the development of a Tri-Valley Transportation Development Fee (Fee or TVTDF) to allocate a fair share of regional infrastructure cost to go towards new development. The first nexus study for the fee program was completed in 1995 and justified allocating the unfunded cost needed to complete all the 11 projects identified in the TVTP/AP to new development.

In October 2013, TVTC signed a Joint Exercise of Powers Agreement to establish the TVTC as a separate agency that is responsible for planning, coordinating, and receiving disbursement of traffic impact fee revenues from member agencies to help implement transportation improvement projects within the Tri-Valley Area. One of the primary duties of the TVTC is the preparation of a TVTP/AP and cost sharing of recommended improvements. As previously noted, the TVTP/AP was originally prepared and presented to all member jurisdictions in April 1995. The TVTP/AP has been subsequently updated in 2004, 2009, 2013, 2017 and 2023.

In addition to updating the TVTP/AP, TVTC has also conducted several subsequent nexus studies and adopted updates to the TVTDF Fee Program and associated project list. The TVTDF Fee Program was most recently updated in 2022.

Tri-Valley Transportation Development Fee (TVTDF)

The Tri-Valley Transportation Development Fee (TVTDF) allocates a fair share of regional infrastructure costs of new development within seven jurisdictions. These fees go towards regionally-significant transportation projects identified in TVTC Nexus Study. This section summarizes the existing practices and information publicly accessible.

Purpose of Fee Implementation Guidelines

The purpose of this document is to be a reference guide for member agencies for calculating TVTDF. This document provides guidance on how to calculate fees and outlines past and current practices among the TVTC member agencies.

This document incorporates (by reference or in practice) the analysis of the Nexus Study, the terms established by the Joint Power Agreement between the member agencies, and regional impact fee implementation policies and practices used by other regional and metropolitan planning organization through the state.

2. Fee Collection Process

Developments subjected to TVTDF

Except for developments listed in **Appendix B**, all developments within the Tri-Valley development area that receive a land use entitlement from any of the member agencies shall be required to pay the TVTDF.

Fee Calculation Methodology

Fee calculation flowchart is included in **Appendix C**. Example worksheets are include in **Appendix D**.

Step 1 – Identify the Land Use Type

Lead agency should identify the land use type (based on land use definition included in **Appendix A**) to be used to calculate the fee.

Step 2 – Calculate the Base Fee

The base fee will be calculated based on the land use type determined in **Step 1**.

$$\text{Base Fee} = \text{Land Use Quantity} \times \text{Fee Rate}$$

Multiply the project's land use quantities (e.g. dwelling units for "single family residential" or square feet gross floor area for "office") by corresponding fee rate

Example – 100,000 SF retail will be redeveloped into a 250-unit multi-family apartment building. The based fee would equal to:

$$250 \text{ dwelling units} \times \$3,178.06 \text{ per dwelling unit} = \$794,515$$

Step 3 – Calculate Credit

Credits can be given to a development that includes a change in existing development. Credits will be given based on the existing land use. If the property has been vacant for more than 2-5 years, [a jurisdiction may elect to not give a credit. In determining whether or not to give a credit, the jurisdiction may request financial documentation from the developer demonstrating the impact of the credit on the financial feasibility of the proposed project will be given. no credit will be given.](#)

Example – 100,000 SF retail will be redeveloped into a 250-unit multi-family apartment building. The credit for the retail use would equal to:

$$100,000 \times \$3.41 \text{ per square feet gross floor area} = \$341,000$$

Step 4 – Calculate TVTDF Amount

The TVTD Fee Amount would take the difference between the Base fee, calculated in **Step 2**, and Credit, calculated in **Step 3**.

$$\text{TVTDF Fee} = \text{Base Fee} - \text{Credit}$$

Example – 100,000 SF retail will be redeveloped into a 250-unit multi-family apartment building. The TVTD Fee amount would equal to:

$$\$794,515 - \$341,000 = \$453,515$$

Step 5 – Collect Payment of TVTDF

The development project applicant pays the final calculated TVTDF to the local agency. The TVTDF is separate from any development impact fees that the local agency may be collecting as part of their locally-funded capital improvement fee programs.

To the extent permitted by the language of each member agencies' TVTDF resolutions/ordinances imposing the fee, TVTC recommends that member jurisdictions consider allowing some flexibility in the timing for collection of the TVTDF based on project needs. However, in accordance with Section 6(c)(i) of the JEPA, TVTC recommends that the TVTDF be collected prior to issuance of building permit or no later than occupancy or as otherwise required by the Mitigation Fee Act.

Step 6 – Send to TVTC Treasurer

Per Section 6.e.ii of the JEPA, lead agency shall transmit to the Treasurer within 30 days of the end of each quarter not less than 80% of all the TVTD Fees collected by that lead agency during the quarter, and any interest or income generated on such 80% amount, together with notification of the Projects that the lead agency intends to fund with any retained portion of revenues.

Member agencies are eligible to spend the remaining 20% funds only on eligible projects and the funds can be spent at any time. Eligible projects are any project included in the adopted TVTC Strategic Expenditure Plan (SEP).

DRAFT

3. Frequently Asked Questions

This section provides anticipated Frequently Asked Questions.

1. Which agency collects the TVTDF?

The local agency, the City/Town/County where the project is located and processed.

2. What projects are responsible for TVTDF payment?

*Except for developments listed in **Appendix A**, all developments within the Tri-Valley development area that receive a land use entitlement from any of the member agencies shall be required to pay the TVTDF.*

3. How often are the fee rates updated?

The fee rates are reviewed and adjusted annually as of July 1 of every year.

4. How should the TVTDF be determined on mixed-use development?

The fee should be calculated using the rates for each land use category used in the development then tallying up for a total fee. Alternatively, the development can be categorized as “other”, and a traffic study can be completed to determine net new average AM/PM peak hour trips.

5. Can a developer receive credit or reimbursement for public improvements constructed?

A developer may be entitled to credit against the TVTDF or to reimbursement from TVTDF if the developer constructs all or a portion of one of the eligible transportation improvement projects identified in the Board approved Nexus Study. Credit or reimbursement shall be provided if TVTC TAC has approved the construction by the developer of all or a portion of the project identified in the nexus study.

6. Are there any fee credits for demolition of existing buildings to make way for new developments?

Step 3 of the Fee Calculation Methodology (Chapter 2) outlines how credits can be given for changes to existing developments.

7. What if a developer is requesting a permit for a building shell, where the final land use for the development is not known?

The development must identify land use for the shell building in the entitlement request, which can be based on environmental analysis conducted for the building. Fees will be assessed based on the entitlement request. The owner may lease to any occupant that is equal or less intense than the maximum use. No reimbursement is given if the finalized uses are less than anticipated.

8. How should the TVTDF be determined for developments that require a special study?

Developments that require a special study would most likely fall under “Other” land use category and the TVTDF would be based on the average AM/PM peak hour trips calculated using rates from the most current edition of the ITE Trip Generation Manual or other approved TVTC trip rates.

If the special study uses trip rates that are not based on the ITE Trip Generation Manual or other approved TVTC trip rates, then these rates must be approved by the TVTC TAC. It is recommended that the following language be included in the permit process:

"THE TRI-VALLEY TRANSPORTATION DEVELOPMENT FEE RATE (TVTDF) OF \$_PER_ HAS BEEN CHARGED BASED UPON INITIAL STUDY TO ALLOW THE DEVELOPMENT TO PROCEED. THIS RATE WILL BE SUBMITTED TO TVTC FOR RATIFICATION AND CONFIRMATION AND MAY RESULT IN AN INCREASE OR DECREASE. THE APPLICANT RECOGNIZES THAT THE OPTION IS TO WAIT FOR PAYMENT OF FEES, AND APPROVALS, UNTIL A TVTDF RATE IS DETERMINED OR AGREE TO PAY ANY INCREASE AS DETERMINED."

9. How long can an agency lock in TVTDF for projects with a “vesting tentative map” and Development Agreement?

Project with vesting tentative map will pay TVTD fee that is in effect at the beginning of the approval year for up to 2 years, regardless of when building permits are pulled for construction, unless there is an agreement justifying extension beyond 2 years. TVTC fees for Development Agreements are based on the terms of the agreement with the member agency. Refer to section 6 (C) of JEPA for significant changes associated with Development Agreements.

10. When should the need for TVTC TAC review or Board review be necessary for approval for fees or waivers?

TVTC TAC shall be notified if a member agency has justification to charge a different rate for a land use that may typically fall under the “other” category. TVTC TAC shall also be notified if the number of trips is based on information other than the current ITE Trip Generation manual or approved TVTC trip rates.

Board review and approval is necessary if a development is seeking credit or reimbursement (see FAQ #5 for details).

Appendix

A – Land Use Definition

B – Exempted Land Uses

B – TVTDF Calculation Flow Chart

C – TVTDF Calculation Worksheet

DRAFT

Appendix A – Land Use Definition

Land Use Category	Definition
Single Family Residential	Buildings or parts of buildings designed and used for occupation as the residence of one family.
Multi-Family Residential	Building or parts of buildings designed and used exclusively as a dwelling unit among other dwelling units, either on the same parcel (e.g. apartments and mobile home parks), or under separate ownership (e.g. condominium, townhomes, duplexes, or duets.)
Office	Developments or parts of developments designed for the purpose of housing non-retail, non-manufacturing business
Retail	Developments or parts of developments design for the purpose of the retail sale of merchandise and services.
Industrial	Developments or parts of developments for the purpose of manufacture or fabrication of products, the processing of material, the warehousing of merchandise for sale of distribution, research and development of industrial products and process, and the wholesaling of merchandise.
Other	Land use not implicitly included within the land use categories of “single-family residential,” “multi-family residential,” “office,” “retail,” or “industrial” and for which alternative trip generation rates can be found in the Institute of Transportation Engineers (ITE) Trip Generation Manual, in a rate schedule that the TVTC has explicitly approved, or as determined by a traffic impact study/analysis.

“Other” Land Uses

The number of trips used in the fee calculation should be based on the current Institute of Transportation Engineers (ITE) Trip Generation Manual. If there are limited data within the ITE Trip Generation Manual, the City/Town/County traffic engineer may request the applicant to submit a trip generation study. The fee will be assessed based on the net new average AM/PM trips calculated based on the ITE trip generation rates or as shown in the trip generation study.

It is up to the City/Town/County traffic engineer to determine if a development falls under the “other” land use category. *If a member agency has justification to charge a rate different than the “other” rate, TVTC TAC must be notified.*

Per the Nexus study, Office/service employment includes professional services/offices, public administration, health services, educational services, hotel, etc. Other employment includes car washes, repair-maintenance services, personal care services, civic and social organization etc. Industrial includes agriculture, manufacturing, and trading employment-types.

Some examples of land use categories that may need traffic engineers' discretion based on the project description and/or supported by special study to determine if a land use falls under "other" or a different category include:

- Entertainment/Recreational
 - Conference Centers
 - Dance studios
 - Gyms
 - Sport facilities
 - Theaters
- Residential/Lodging
 - Assisted Living Facilities
- Retail/Service
 - Animal shelter/adoption buildings
 - Drive through coffee
 - Gas Stations with or without mini-mart
 - Veterinary Hospitals
- Miscellaneous
 - Landfill

If the TVTC TAC requires additional guidance it may seek direction from the Board.

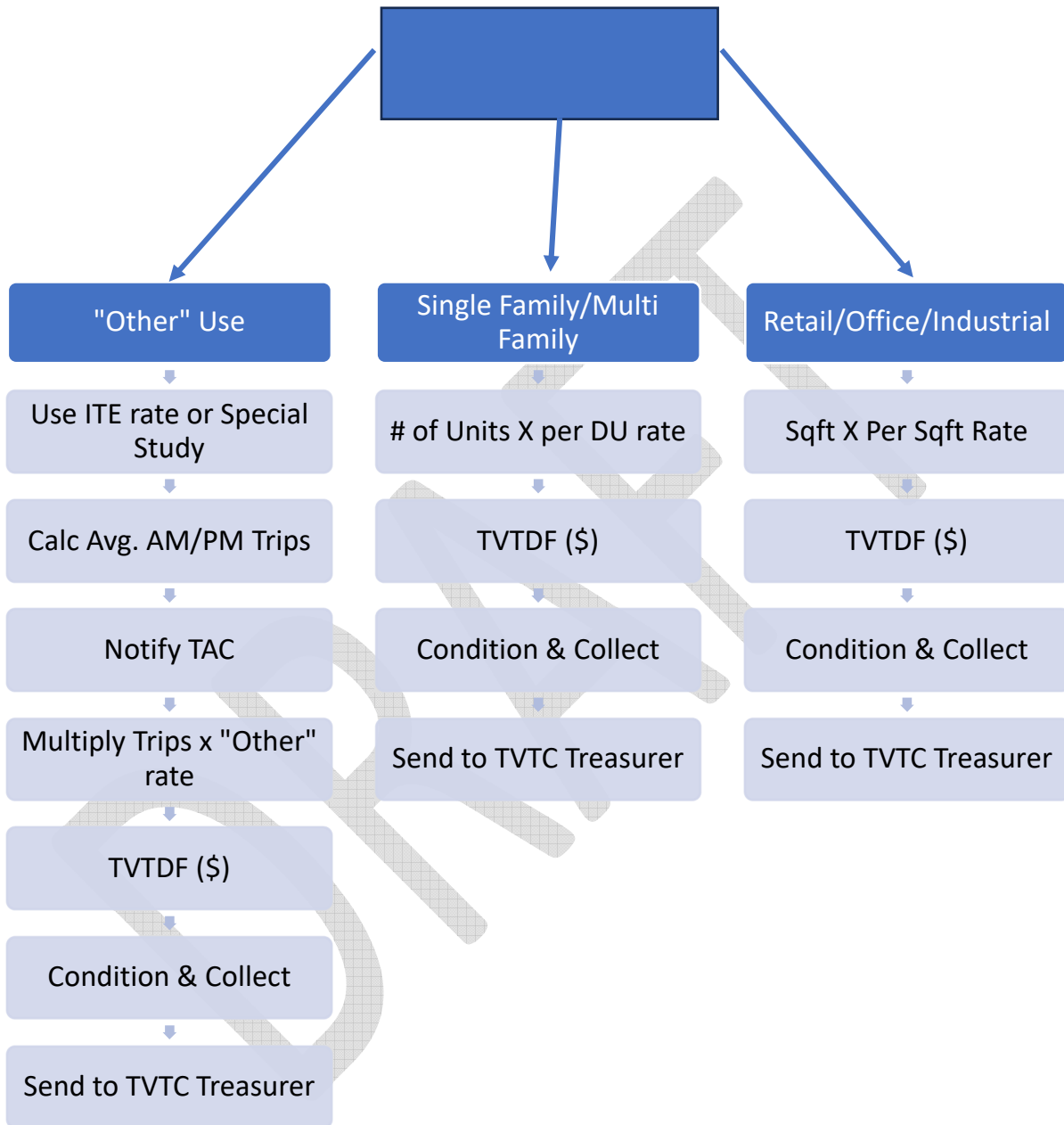
DRAFT

Appendix B – Exempted Land Uses

The following developments are exempt from TVTDF:

- Any alteration or addition to ~~an~~the existing single family residential unit, including if the addition or alteration results in an ADU or junior ADU_ then it is exempt.
- Any replacement or reconstruction of an existing single family residential unit that has been destroyed or demolished; provided that the building permit for reconstruction is obtained within one year after the building was destroyed or demolished. A reconstruction or replacement that adds another additional dwelling unit (except an ADU or junior ADU) or changes the type of use is not exempt.
- Any replacement or reconstruction of an existing nonresidential structure that has been destroyed or demolished; provided, that the building permit for new reconstruction is obtained within one year after building was destroyed or demolished and the reconstructed building would not increase the destroyed or demolished building’s average peak hour trips.
- TK-12 Public School buildings (except for market rate housing developed on public school property).
- Affordable and Subsidized housing development, as defined as, housing facilities developed by public agencies, limited dividend housing corporation, or nonprofit corporation, and maintained exclusively for persons or families of very low, low or moderate income, as defined in Section 50093 of the Health and Safety Code.
- Affordable and subsidized housing development built developed by for profit corporations and maintained exclusively for persons or families of very low, low or moderate income, as defined in Section 50093 of the Health and Safety Code.
- Governmental buildings owned by any public entity unless a development agreement provides for payment of the TVTD fee for a governmental building.
- Development projects which are the subject of a current and valid development agreement in effect prior to adoption of the TVTDF, except that the fee shall be applicable to any “significant” changes to any existing development agreement adopted after October 17, 2013. As used herein, “significant” means any of the following:
 - Change in land use type (e.g. office to retail);
 - Intensification of land use types (e.g. increase in square footage of approved offices);
 - Extension of term of development agreement; and
 - Reduction or removal of project mitigation requirements or conditions of approval
- Religious Institution (except for market rate housing or commercial or other uses developed on a religious institution property that generate peak hour trips).
- Communication Towers.
- Wind Farms.

Appendix C – TVTDF Calculation Flow Chart



Appendix D – TVTDF Calculation Worksheet

Land Use Category	Proposed Land Use Quantity			Fee Rate	=	Base Fee
Single Family Residential		Dwelling units	X		=	
Multi-Family Residential		Dwelling units	X		=	
Office		Square Feet Gross Floor	X		=	
Retail		Square Feet Gross Floor	X		=	
Industrial		Square Feet Gross Floor	X		=	
Other		Average AM/PM Peak Hour Trips	X		=	
Base Total						

Credit for Existing Land Uses?

- No
 Yes

Land Use Category	Existing Land Use Quantity			Fee Rate	=	Credit
		<input type="checkbox"/> Dwelling Units <input type="checkbox"/> Square Feet Gross Floor <input type="checkbox"/> Trips	X		=	

Total Base Fee	-	Credit	=	Total TVTD Fee
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Item 6

TRI-VALLEY TRANSPORTATION COUNCIL

Item 6a

Jean Josey
TVTC Chair
Councilmember
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Renee Morgan
TVTC Vice-Chair
Councilmember
Town of Danville
(510) 366-0716

David Haubert
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Candace Andersen
Supervisor District 2
Contra Costa County
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Brittini Kiick
Councilmember
City of Livermore
(925) 960-4019

Julie Testa
Vice Mayor
City of Pleasanton
(925) 931-5001

Scott Perkins
Vice Mayor
San Ramon
(925) 973-2530

To: TVTC Finance Subcommittee

From: TVTC Technical Advisory Committee

Date: April 15, 2024

Subject: Rotation of TVTC Chair, Vice-Chair, Administrator, and Treasurer for Fiscal Year (FY) 2024-25 and FY 2025-26 and authorization to rotate LAIF successors

BACKGROUND

The Tri-Valley Transportation Council's (TVTC) Joint Exercise of Powers Agreement (JEPA) (Section 4a) required the TVTC at its initial meeting to elect a Chair and Vice-Chair from among its members. The JEPA also states that the Chair and Vice-Chair shall serve as defined by the Bylaws, starting on July 1st. The TVTC Bylaws (Section B.1) specify a two-year term and outline the following rotation schedule for the Chair and Vice-Chair with the FY 2024-25 Chair highlighted:

Chair	Vice-Chair	Start Date July 1
Contra Costa County	City of Livermore	2028
City of Livermore	City of Pleasanton	2030
City of Pleasanton	City of San Ramon	2032
City of San Ramon	City of Dublin	2034
City of Dublin	Town of Danville	2036
Town of Danville	Alameda County	2024
Alameda County	Contra Costa County	2026

The JEPA (Section 4f) states that the TVTC may employ, contract, or appoint an Administrator to implement the objectives of the TVTC. The Bylaws (Section B2) states that the Chair shall serve as the liaison between the TVTC's Administrative staff and the TVTC. The Bylaws also outline the duties of the Administrator (Section C) and state that the TVTC may employ or appoint an Administrator to implement the objectives of the TVTC.

While the rotation of Chair and Vice-Chair is an automatic occurrence, rotation of the Administrator requires an appointment by the TVTC. In September 2010, the TVTC unanimously agreed to rotate the Chair and Administrative staff together to provide continuity.

Additionally, the TVTC's Local Agency Investment Fund (LAIF) authorizing resolution does not reflect the biennial rotation of officers and Administrator and therefore additional

TRI-VALLEY TRANSPORTATION COUNCIL

paperwork is necessary with every rotation to allow the TVTC's Chair, Vice-Chair, and Administrator to deposit or withdraw funds in the TVTC LAIF account.

DISCUSSION

June 30, 2024 is the conclusion of the two-year term for the City of Dublin as the Chair and the Town of Danville as the Vice-Chair. In accordance with the TVTC rotation schedule as shown above, starting on July 1, 2024, the Town of Danville will become the Chair and Alameda County will become the Vice-Chair.

With the City of Dublin concluding its two-year term as the TVTC Administrator, as required by the Bylaws, the TVTC must appoint the next Administrator. If the TVTC chooses to rotate the Chair and Administrative staff together, the FY 2024-25 through FY 2025-26 Administrator will be the Town of Danville.

The Town of Danville is the current TVTC treasurer. The TAC recommends rotating treasurer duties to the Alameda County representative from FY 2024-25 through FY 2025-26. In doing so, it relieves the Town of Danville TAC representative of treasurer duties while performing in an Administrator capacity and it provides the Alameda County TAC representative the ability to gain experience with the TVTC operations prior to assuming administrator duties after the Town of Danville.

RECOMMENDED ACTIONS

Staff recommends the TVTC take the following actions:

1. Adopt **Resolution No. 2024-07** to do the following:
 1. Confirm the rotation of the TVTC Chair to the Town of Danville; and
 2. Confirm the rotation of the TVTC Vice-Chair to Alameda County; and
 3. Appoint the Town of Danville as the TVTC Administrator; and
 4. Appoint Alameda County as the TVTC Treasurer.

ATTACHMENTS

1. Resolution No. 2024-07
2. LAIF Authorization Form

TRI-VALLEY TRANSPORTATION COUNCIL

TRI-VALLEY TRANSPORTATION COUNCIL RESOLUTION NO. 2024-07

A RESOLUTION CONFIRMING THE ROTATION OF TVTC CHAIR TO THE TOWN OF DANVILLE, VICE-CHAIR TO ALAMEDA COUNTY, AND APPOINTING THE TOWN OF DANVILLE AS THE TVTC ADMINISTRATOR AND ALAMEDA COUNTY AS THE TVTC TREASURER

WHEREAS, the TVTC's Joint Exercise of Powers Agreement (JEPA) (Section 4a) required the TVTC at its initial meeting to elect a Chair and Vice-Chair from among its members; and

WHEREAS, the JEPA states that the Chair and Vice-Chair shall serve a term as defined by the Bylaws, starting on July 1st; and

WHEREAS, the TVTC Bylaws (Section B.1) specifies a two-year term and outlines the rotation schedule for the Chair and Vice-Chair; and

WHEREAS, the JEPA (Section 4f) states that the TVTC may employ, contract, or appoint an Administrator to implement the objectives of the TVTC; and

WHEREAS, the Bylaws (Section B2) states that the Chair shall serve as the liaison between the TVTC's Administrative staff and the TVTC. The Bylaws also state that the TVTC may employ or appoint an Administrator to implement the objectives of the TVTC; and

WHEREAS, under the TVTC governing documents, the rotation of Chair and Vice-Chair are automatic occurrences, and the rotation of the Administrator requires an appointment by the TVTC; and

WHEREAS, in September 2010, the TVTC unanimously agreed to rotate the Chair and Administrative staff together to provide continuity; and

WHEREAS, June 30, 2024, concludes the two-year term for the City of Dublin as the Chair, the Town of Danville as the Vice-Chair, and the City of Dublin as the Administrator; and

WHEREAS, the TVTC desires to appoint the Town of Danville as the Administrator to coincide with the Town of Danville's term as Chair; and

WHEREAS, the Bylaws (Section C3) states that the TVTC shall designate a Treasurer, which may consist of the treasurer of a TVTC Member jurisdiction; and

WHEREAS, the TVTC desires to appoint Alameda County as the Treasurer to coincide with the Alameda County's term as Vice-Chair.

TRI-VALLEY TRANSPORTATION COUNCIL

NOW THEREFORE BE IT RESOLVED THAT THE TVTC TAKES THE FOLLOWING ACTIONS EFFECTIVE JULY 1, 2024, THROUGH JUNE 30, 2026:

- 1) Confirm the rotation of the TVTC Chair to the Town of Danville; and
- 2) Confirm the rotation of the TVTC Vice-Chair to Alameda County; and
- 3) Appoint the Town of Danville as the TVTC Administrator; and
- 4) Appoint Alameda County as the TVTC Treasurer

PASSED, APPROVED AND ADOPTED at the meeting of April 15, 2024, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jean Josey, Chair
Tri-Valley Transportation Council

ATTEST:

Sai Midididdi, TVTC Administrative Staff



**California State Treasurer's Office
Local Agency Investment Fund (LAIF)
Authorization for Transfer of Funds**

Effective Date _____

Agency Name _____

LAIF Account # _____

Agency's LAIF Resolution # _____ or Resolution Date _____

ONLY the following individuals whose names appear in the table below are hereby authorized to order the deposit or withdrawal of funds in LAIF. ***This authorization REPLACES AND SUPERSEDES all prior authorizations on file with LAIF for the transfer of funds.***

Name	Title

Two authorized signatures required. Each of the undersigned certifies that he/she is authorized to execute this form under the agency's resolution, and that the information contained herein is true and correct.

Signature

Print Name

Title

Phone Number

Signature

Print Name

Title

Phone Number

Please provide email address to receive LAIF notifications.

Name	Email

Please email the completed form for review to laif@treasurer.ca.gov and allow 2 days for a response. **DO NOT** mail the original form until you receive approval.

Mail the approved form to: CA State Treasurer's Office
Local Agency Investment
Fund P.O. Box 942809
Sacramento, CA 94209-0001

TRI-VALLEY TRANSPORTATION COUNCIL

Item 6b

**Monthly Profit & Loss Statement, LAIF Statement, and Mechanics
Bank Statement**

**Tri-Valley Transportation Council
Profit & Loss Statement**

March 2024

	<u>Mar 24</u>
Expense	
5060 · Website Development	125.00
5030 · Legal Fees	<u>620.50</u>
Total Expense	<u>745.50</u>
Net Income	<u><u>-745.50</u></u>

**Tri-Valley Transportation Council
Profit & Loss**

July 2023 through March 2024

	Admin	Alameda Co	Contra Costa ...	Danville	Dublin	LAIF	Livermore	Pleasanton	San Ramon	TOTAL
Income										
4051 · Interest - Member Agencies	0.00	0.90	238.85	30.85	1,791.38	0.00	0.00	0.00	21.59	2,083.57
4050 · Investment Income	0.00	0.00	0.00	0.00	0.00	372,738.18	0.00	0.00	0.00	372,738.18
4000 · Development Fees	0.00	0.00	11,109.28	99,463.16	450,927.01	0.00	184,314.74	27,030.55	5,277.12	778,121.86
Total Income	0.00	0.90	11,348.13	99,494.01	452,718.39	372,738.18	184,314.74	27,030.55	5,298.71	1,152,943.61
Expense										
6000.5 · Project C-10, Innovate 680	0.00	0.00	3,432,438.00	0.00	0.00	0.00	0.00	0.00	0.00	3,432,438.00
5070 · Administrative Staff Support	20,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	20,000.00
5000 · Bank Service	80.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	80.00
5040 · Nexus Study/Starategic Exp plan	3,593.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,593.01
6100 · Refund of Fees	1,200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,200.00
5090 · Insurance - Liability, D and O	2,178.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,178.42
5060 · Website Development	1,174.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,174.00
5080 · Board Meeting Stipends	1,400.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,400.00
5030 · Legal Fees	12,785.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12,785.50
5020 · Accounting Fees	19,059.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	19,059.75
6000 · Transportaion Improvements	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,650,000.00	0.00	2,650,000.00
Total Expense	61,470.68	0.00	3,432,438.00	0.00	0.00	0.00	0.00	2,650,000.00	0.00	6,143,908.68
Net Income	-61,470.68	0.90	-3,421,089.87	99,494.01	452,718.39	372,738.18	184,314.74	-2,622,969.45	5,298.71	-4,990,965.07

Tri-Valley Transportation Council
Profit & Loss YTD
July 2023 through March 2024

	Jul '23 - Mar 24	Jul '22 - Mar 23	\$ Change	% Change
Income				
4051 · Interest - Member Agencies	2,083.57	2,899.37	-815.80	-28.1%
4050 · Investment Income	372,738.18	178,161.57	194,576.61	109.2%
4000 · Development Fees	778,121.86	1,381,694.20	-603,572.34	-43.7%
Total Income	1,152,943.61	1,562,755.14	-409,811.53	-26.2%
Expense				
6000.5 · Project C-10, Innovate 680	3,432,438.00	0.00	3,432,438.00	100.0%
5070 · Administrative Staff Support	20,000.00	20,000.00	0.00	0.0%
5000 · Bank Service	80.00	90.00	-10.00	-11.1%
5040 · Nexus Study/Strategic Exp plan	3,593.01	0.00	3,593.01	100.0%
6100 · Refund of Fees	1,200.00	0.00	1,200.00	100.0%
5090 · Insurance - Liability, D and O	2,178.42	2,967.48	-789.06	-26.6%
5060 · Website Development	1,174.00	1,424.00	-250.00	-17.6%
5080 · Board Meeting Stipends	1,400.00	4,100.00	-2,700.00	-65.9%
5030 · Legal Fees	12,785.50	20,959.82	-8,174.32	-39.0%
5020 · Accounting Fees	19,059.75	11,430.00	7,629.75	66.8%
6000 · Transportation Improvements	2,650,000.00	2,287,629.00	362,371.00	15.8%
Total Expense	6,143,908.68	2,348,600.30	3,795,308.38	161.6%
Net Income	-4,990,965.07	-785,845.16	-4,205,119.91	-535.1%

Tri-Valley Transportation Council

Balance Sheet

As of March 31, 2024

04/03/24

Accrual Basis

	<u>Mar 31, 24</u>
ASSETS	
Current Assets	
Checking/Savings	
1300 · Local Agency Invest Fund (023)	18,196,022.91
1000 · Mechanics Bank (0415)	346,461.91
Total Checking/Savings	<u>18,542,484.82</u>
Accounts Receivable	
1200 · Developer Fee Receivables	62.44
Total Accounts Receivable	<u>62.44</u>
Other Current Assets	
1305 · Gain/Loss on LAIF	-332,652.28
1101 · Interest Receivable - Member Ag	0.90
Total Other Current Assets	<u>-332,651.38</u>
Total Current Assets	<u>18,209,895.88</u>
Other Assets	
1400 · Prepaid Insurance	3,052.36
Total Other Assets	<u>3,052.36</u>
TOTAL ASSETS	<u>18,212,948.24</u>
LIABILITIES & EQUITY	
Equity	
3010 · Unrestricted Net Position	23,203,913.31
Net Income	-4,990,965.07
Total Equity	<u>18,212,948.24</u>
TOTAL LIABILITIES & EQUITY	<u>18,212,948.24</u>

California State Treasurer
Fiona Ma, CPA



LAIF Statement

April 02, 2024

Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

[LAIF Home](#)
[PMIA Average Monthly Yields](#)

TRI-VALLEY TRANSPORTATION COUNCIL

ADMINISTRATOR
7000 BOLLINGER CANYON ROAD
SAN RAMON, CA 94583

[Tran Type Definitions](#)

Account Number: 40-07-023

March 2024 Statement




Account Summary

Total Deposit:	0.00	Beginning Balance:	18,196,022.91
Total Withdrawal:	0.00	Ending Balance:	18,196,022.91

RETURN SERVICE REQUESTED

TRI-VALLEY
 TRANSPORTATION COUNCIL
 200 OLD BERNAL AVE
 PLEASANTON CA 94566-7016

Managing Your Accounts

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Summary of Accounts

Account Type	Account Number	Ending Balance
PUBLIC CHECKING	XXXXXXXXX0415	\$356,032.57

PUBLIC CHECKING-XXXXXXXXX0415

Account Summary

Date	Description	Amount
03/01/2024	Beginning Balance	\$312,711.12
	1 Credit(s) This Period	\$49,595.45
	11 Debit(s) This Period	\$6,274.00
03/29/2024	Ending Balance	\$356,032.57

Deposits

Date	Description	Amount
03/26/2024	DEPOSIT	\$49,595.45

Checks Cleared

Check Nbr	Date	Amount	Check Nbr	Date	Amount	Check Nbr	Date	Amount
2724	03/01/2024	\$1,200.00	2727	03/01/2024	\$2,150.00	2729	03/11/2024	\$200.00
2726*	03/04/2024	\$100.00	2728	03/18/2024	\$100.00	2730	03/06/2024	\$100.00



HOW TO CONTACT US 800.797.6324
 P.O. Box 8070
 Walnut Creek, CA 94596
www.mechanicsbank.com

This information applies only to consumer accounts as defined by the Electronic Fund Transfer Act and Regulation E.

IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC TRANSFERS

Call us at 800.797.6324, during regular business hours, or write us at: Mechanics Bank, P.O. Box 8070, Walnut Creek, CA 94596 as soon as you can, if you think your statement or receipt is wrong or if you need more information about a transfer on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

1. Tell us your name and account number.
2. Describe the error or the transfer you are unsure about, and explain as clearly as you can why you believe it is an error or why you need more information.
3. Tell us the dollar amount of the suspected error.

If you tell us orally, we may require that you send us your complaint or question in writing within 10 business days.

We will determine whether an error occurred within 10 business days after we hear from you and will correct any error promptly. If we need more time, however, we may take up to 45 days to investigate your complaint or question. If we decide to do this, we will credit your account within 10 business days for the amount you think is in error, so that you will have the use of the money during the time it takes us to complete our investigation. If we ask you to put your complaint or question in writing and we do not receive it within 10 business days, we may not credit your account.

For errors involving new accounts, point-of-sale, or foreign-initiated transactions, we may take up to 90 days to investigate your complaint or question. For new accounts, we may take up to 20 business days to credit your account for the amount you think is in error.

We will tell you the results within three (3) business days after completing our investigation. If we decide that there was no error, we will send you a written explanation. You may ask for copies of the documents that we used in our investigation.

NOTICE TO BUSINESS AND COMMERCIAL CUSTOMERS:

Accounts owned by business and commercial customers are not subject to consumer regulations, such as the Truth in Savings Act and the Electronic Fund Transfer Act. The information regarding Electronic Transfers does not apply to business or commercial accounts. You acknowledge the risk of loss from unauthorized items. You further acknowledge that the Bank offers various services that allow business and commercial customers to closely monitor their account activity, such as Business Online Banking, Positive Pay, and other services ("Fraud Prevention Services"), which can reduce potential fraud. If you fail to use one or more of the available Fraud Prevention Services, you agree that you will be deemed to have assumed the risk of any losses that could have been prevented if you had used the Fraud Prevention Services.

How to balance your account

1. Subtract from your check register any service, miscellaneous, or automatic charge(s) posted on this statement.
2. Mark ✓ your register after each check listed on the front of this statement.
3. Check off deposits shown on the statement against those shown in your check register.
4. Complete the form below.
5. The final "balance" in the form below should agree with your check register balance. If it does not, read "HINTS FOR FINDING DIFFERENCES".

HINTS FOR FINDING DIFFERENCES

Recheck all additions and subtractions or corrections.

Verify the carryover balance from page to page in your check register.

Make sure you have subtracted the service or miscellaneous charge(s) from your check register balance.

HOW TO BALANCE YOUR ACCOUNTS

TRANSFER AMOUNT FROM PAGE ONE	\$	
ADD DEPOSITS MADE SINCE ENDING DATE ON STATEMENT		
SUBTOTAL	\$	
LIST CHECKS NOT CLEARED ON THIS STATEMENT OR PRIOR STATEMENTS		
TOTAL CHECKS NOT LISTED		
SUBTRACT TOTAL CHECKS NOT LISTED FROM SUBTOTAL ABOVE	BALANCE	\$



PUBLIC CHECKING-XXXXXXXX0415 (continued)
Checks Cleared (continued)

Check Nbr	Date	Amount	Check Nbr	Date	Amount	Check Nbr	Date	Amount
2731	03/06/2024	\$244.00	2733	03/12/2024	\$125.00	2735	03/04/2024	\$200.00
2732	03/04/2024	\$1,655.00	2734	03/14/2024	\$200.00			

* Indicates skipped check number

Daily Balances

Date	Amount	Date	Amount	Date	Amount
03/01/2024	\$309,361.12	03/11/2024	\$306,862.12	03/18/2024	\$306,437.12
03/04/2024	\$307,406.12	03/12/2024	\$306,737.12	03/26/2024	\$356,032.57
03/06/2024	\$307,062.12	03/14/2024	\$306,537.12		

Overdraft and Returned Item Fees

	Total for this period	Total year-to-date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00

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Important Notice regarding Changes in Terms to the Schedule of Fees & Charges

Mechanics Bank has updated its Schedule of Fees & Charges for Personal and Business Products. Please review these changes carefully. If you have any questions about your Mechanics Bank account, please call Customer Care at 800.797.6324.

Effective February 1, 2024

Important Notice regarding Schedule of Fees & Charges for Personal and Business Products

The following items have been updated FROM:

Account activity printout.....	\$3.00
Clerical/Research work (account research).....	\$30.00 (per hour / 1 hour minimum)
Copies of cashier's checks and paid checks (each).....	\$4.00
Copy of previous statement (each).....	\$5.00
Multiple statement originals.....	\$2.00

TO:

Account activity printout (business account).....	\$3.00
Clerical/Research work (business account research).....	\$30.00 (per hour / 1 hour minimum)
Copies of cashier's checks and paid checks (each – business account).....	\$4.00
Copy of previous statement (each – business account).....	\$5.00
Multiple statement originals (business account).....	\$2.00